the weekly
Standard

MARCH 5, 2001 $3.95

HOLY ORLANDO!
MATT LABASH

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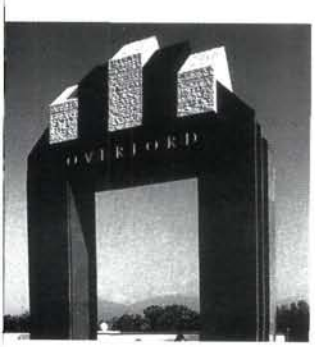

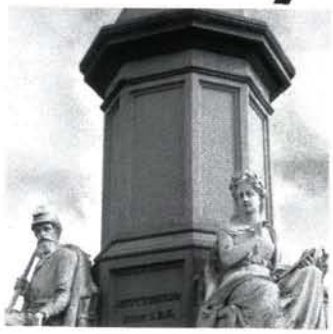

OUR SELVES

The decline of memorial architecture

BY CATESBY LEIGH

Unpardonable Excuses
Christopher Caldwell • David Tell

Grading on the Harvard Curve
Noah D. Oppenheim

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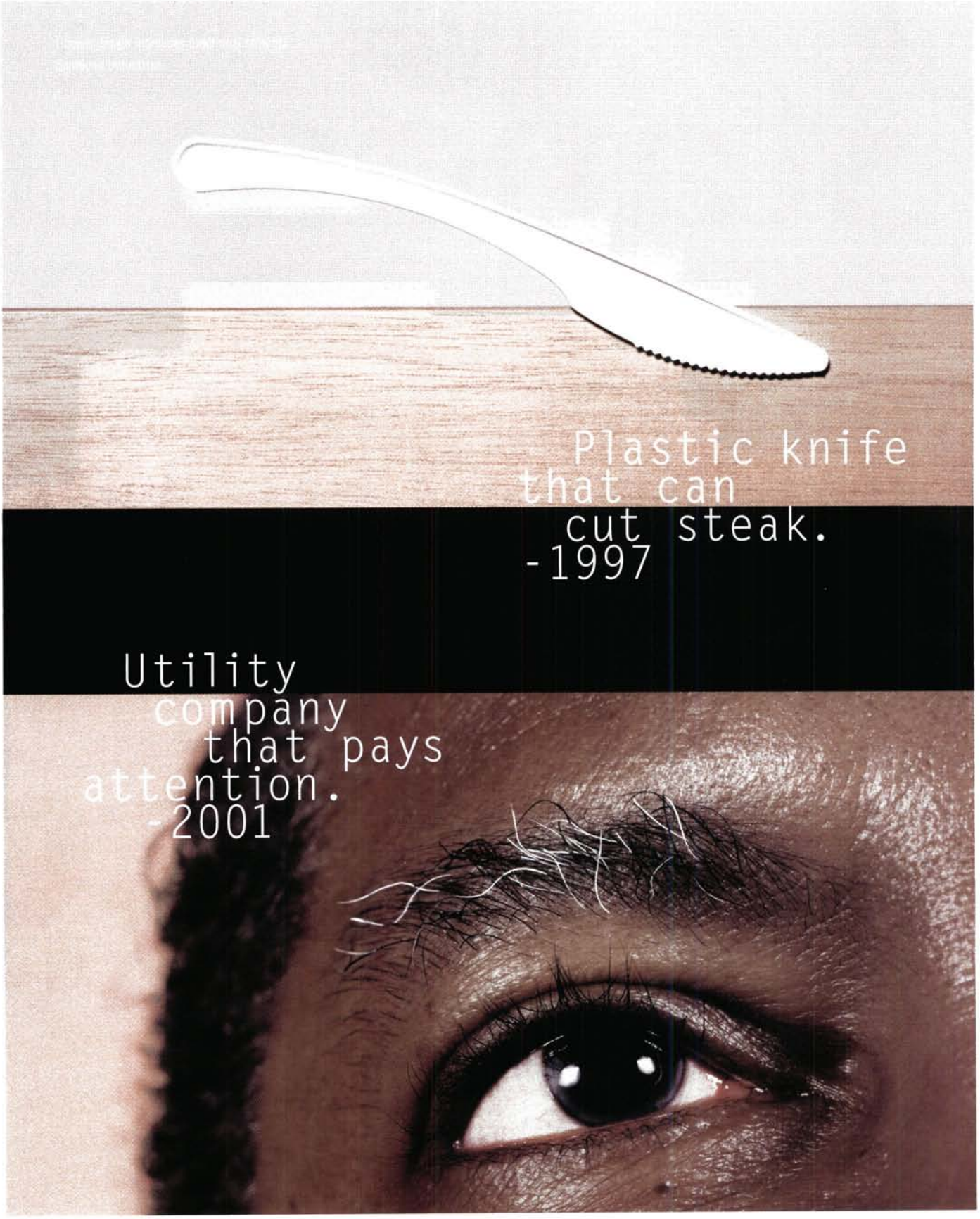

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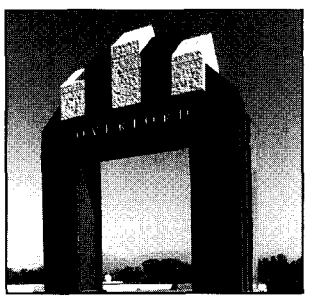

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the weekly Standard

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Can We Have the Reward?

The U.S. government is still advertising for tips that would lead to the arrest of fugitive financier Marc Rich. At the website of the International Broadcasting Bureau (*www.ibb.gov/fugitives/richica.htm*) you can find the wanted poster reproduced at right. It reads as follows:

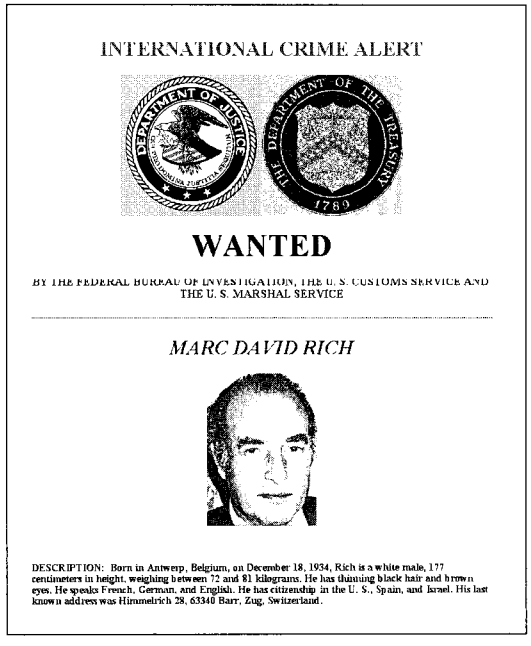
DESCRIPTION: Born in Antwerp, Belgium, on December 18, 1934, Rich is a white male, 177 centimeters in height, weighing between 72 and 81 kilograms. He has thinning black hair and brown eyes. He speaks French, German, and English. He has citizenship in the U.S., Spain, and Israel. His last known address was Himmelrich 28, 63340 Barr, Zug, Switzerland.

Rich has traveled extensively in recent years to Jamaica, Portugal, Britain, Eastern Europe, the former Soviet Union, and Israel. He is usually accompanied by two body guards.

CASE DETAILS: Tehran, Iran, November 4, 1979. Iranian militants invade the U.S. Embassy. For the next fourteen months, they hold fifty-three Americans hostage. Thousands of Iranians march through the streets, chanting, "Death to America!" But one American quickly becomes popular with the new government in Tehran.

In April, 1980, Marc David Rich conspired with the Iranian government to purchase over six million barrels of oil, in violation of the trade embargo imposed against Iran by the United States. The payments were made fraudulently through American banks and the illegal use of American telecommunications facilities.

On September 19, 1983, Rich was indicted by a U.S. federal grand jury on more than fifty counts of wire fraud, racketeering, trading with the enemy, and evading more than forty-eight million dollars in income taxes. Rich was in Zug, Switzerland, at the time of the indictment but refused to surrender to U.S. authorities for trial.


INTERNATIONAL CRIME ALERT

WANTED

BY THE FEDERAL BUREAU OF INVESTIGATION, THE U. S. CUSTOMS SERVICE AND THE U. S. MARSHAL SERVICE

MARC DAVID RICH

DESCRIPTION: Born in Antwerp, Belgium, on December 18, 1934, Rich is a white male, 177 centimeters in height, weighing between 72 and 81 kilograms. He has thinning black hair and brown eyes. He speaks French, German, and English. He has citizenship in the U. S., Spain, and Israel. His last known address was Himmelrich 28, 63340 Barr, Zug, Switzerland.

The U.S. will pay a reward for information that leads to the arrest of Marc David Rich. If you have information concerning Rich, you should contact the nearest U.S. embassy or consulate. The U.S. guarantees that all reports will be investigated and all information will be kept confidential. If appropriate, the U.S. is prepared to protect informants by relocating them.

THE SCRAPBOOK is prepared to tell the U.S. government everything we know about Marc Rich's whereabouts. We hear, for instance, that Mr. Rich has had a number of dealings with former president Bill Clinton and his former aides. What's more, according to a Reuters dispatch last week, Rich was planning a party for his friends with the theme "Night in Las Vegas" (apparently to celebrate a recent string of luck he enjoyed playing pardon lotto). But the party, which was to be held at the Chesa Veglia restaurant in the tony Swiss ski resort of St. Moritz, had to be canceled because of overwhelming media interest.

It strikes us that Marc Rich will be getting a small part of what he deserves if, owing to the paparazzi, the fugitive now has to become a recluse. And no, we aren't really expecting a reward, though a little relocation would be nice, maybe to St. Moritz. ♦

Reliable Bootlickers

There's no particular reason for you to remember it, but last April the *New York Times Book Review* savaged something called *The Hunting of the President* by Joe Conason and Gene Lyons, two of Bill and Hillary Clinton's most reliable journalistic bootlickers. Reviewer Neil A. Lewis softened the blow a bit by acknowledging at the outset that Conason and Lyons had constructed an "admirable and useful catalog of the people who dislike, disdain, and even detest" the Clintons. Lewis was otherwise merciless, however.

"It would seem that the authors' minimal task, after having propounded such a striking theory" about a vast right-wing conspiracy "is to make it plausible," Lewis pointed out. But "it would be hard to overstate this: They do not succeed." Instead, *Hunting* is "tedious," "brazen," "astonishingly misleading," and quite a few other bad things.

This month, as if to prove the "brazen" and "misleading" parts, Conason and Lyons have brought out a paperback edition of the book, on the first inside page of which appears a long list of reviewers' blurbs. And whaddya know! One of these blurbs actually pur-

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ports to be from Neil A. Lewis. "Admirable and useful" says the *New York Times* about Conason and Lyons, according to Conason and Lyons.

"Reliable," says THE WEEKLY STANDARD. ♦

On Message

Whenever we hear grumbling about George W. Bush's verbal miscues, we like to recall the peculiar gifts of his predecessor. As quoted by Reuters, here's then-still-president William Jefferson Clinton on January 11, responding to questions from reporters about his intention to abandon Socks the cat. Note how the president marshals his defenses, numerically annotated by THE SCRAPBOOK:

Q: *What about Socks? What's going to happen to Socks?*

CLINTON: [1] *Well, I don't know.* [2] *You know, I made more progress in the Middle East than I did between Socks and Buddy.* [3] *And I don't know that I've got enough space and enough help when I'm gone to keep them both away from one another and keep them both happy.* [4] *But I still haven't quite resolved what to do. I love that old cat.* [5] *You know, we picked him up as sort of a half stray in Arkansas, and* [6] *I hate to give him up.* [7] *But Betty loves him.*

Twenty-four hours later, Clinton was again questioned by reporters on exactly the same trivial subject, and he stayed robotically on message:

Q: *Are you really giving Socks away?*

CLINTON: [1] *Oh, I don't know.* [2] *I did better with the Arabs—the Palestinians and the Israelis than I've done with Socks and Buddy.* [3] *And I won't have as much space or as much help in managing them,* [4] *so I'm trying to figure out whether I can do it. Because I've had that cat a long time.* [5] *You know, we took him in as a stray back in Arkansas, and* [6] *I hate to give him up,* [7] *although Betty and a lot of other people here in the White House really love him.*

That's Clinton—never an unscripted moment. Poor Socks. He must have tested poorly in the focus groups. ♦

Iraq's Fiber

Wasn't it Lenin who once said: "The capitalists will sell us the fiber-optic cables by which we can hang them"? Or something like that. Yes, it turns out that the improved system of Iraqi air defenses that U.S. and British bombers have been going after, and on which the Chinese are feverishly working, is tied together by a rather impressive system of fiber-optic communication cables whose technology was first provided to China by U.S. corporations. Free trade has some hidden costs.

On the good news front, however, reports out of London following the airstrikes also indicate that American and British defense planners were given a good deal of intelligence assistance by Serbs who had worked on the Iraqi upgrades during Slobodan Milosevic's tenure as head of Yugoslavia. With the election of new Yugoslav president Vojislav Kostunica, Serb assistance to Iraq has apparently stopped and cooperation with the West begun. As Lenin might also have said: "It's better to be on the winning team than the losing one." ♦

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Casual

The Write Stuff

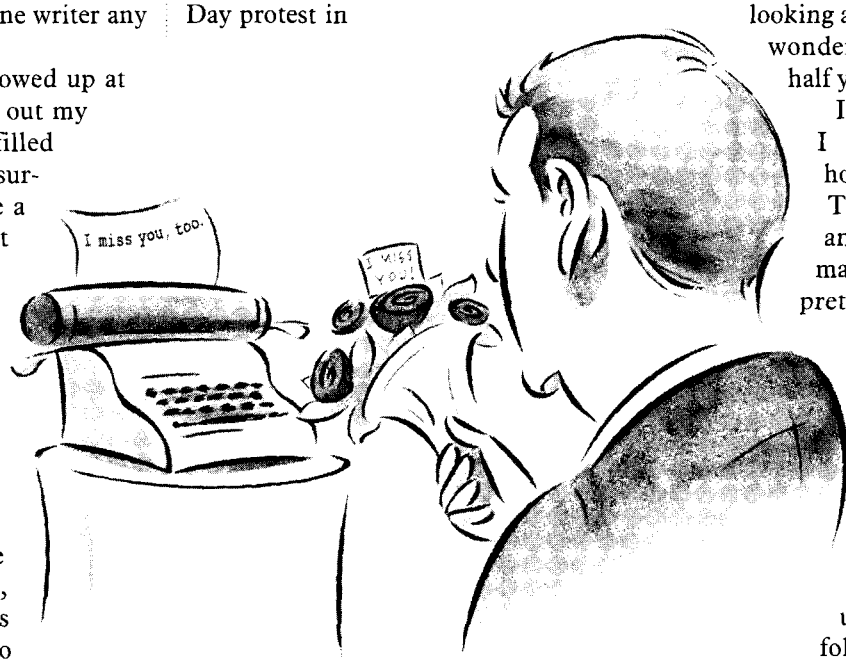
I got a new job a few months ago. It happened suddenly. One day, I was writing stories for The Weekly Standard. The next day, I was doing a daily show for CNN. Virtually everything about my life changed dramatically. I did my best to ignore it. Finally, one night last week, I had to face the truth: I'm not a magazine writer any more.

It hit me when I showed up at the Standard to clean out my office. The room was filled with junk. This wasn't surprising. I've been here a long time. When I first got to the magazine, our only child was seven months old. She drank from a bottle and slept in a crib. She is six now, with two siblings. I tucked her into bed tonight. She was reading a book with no pictures. She begins sentences with, "Actually . . . " It seems like she has gotten so old.

It seems like I have too. The first thing I found in my office was the head of a parking meter. It's gray and pitted and ugly, but it's one of my favorite things. A friend and I liberated it from the streets of D.C. on Election Night 1996. We'd been sent out to cover the victory parties at hotels downtown. We wound up getting too close to the story and, well, the parking meter thing happened.

It was terrific fun, the sort of fun I realize now I'll probably never have again, at least in public. The thought made me feel relieved and sad at the same time.

I tossed the meter head in a box, and started going through drawers. Here was the detritus of half a decade at a weekly magazine. A bumper sticker from the Million Man March. Handbills from a Labor Day protest in Denver. A flag from an Elián rally. Propaganda from the Shining Path, Berkeley chapter. Dozens of mementos from my time on the Hopeless Candidates beat: a note from Lamar Alexander, a green necktie Steve Forbes once gave me after an interview. And so on.



Then I got to the books. I had a lot of them. I found an entire stack of self-published manuscripts people have sent me over the years, including Donald Trump's autobiography, and something I've yet to see in bookstores entitled "The 21 Unnatural Deaths of Members of Congress, from 1952 to 1992." That one still had a cover letter attached: "Dear Mr. Carlson, this is not a conspiracy theory!!!" Tantalizing, but I never followed up.

Most everything else on my shelves had something to do with stories I'd written. There was the Unabomber Manifesto, the Starr Report, six books by Jonathan Kozol, three biographies of Christie Whitman, five Marilyn Manson CDs, radio commentaries by Mumia Abu-Jamal, and a bound copy of the Natural Law party's 1996 platform. I sat at my desk till almost 3:00 A.M. looking at it all. It's been a wonderful five and a half years, I decided.

I knew right away I couldn't take home all the books. There isn't room, and in any case it may be time to stop pretending I'll ever need to look up John Hagelin's 1996 position on NAFTA. Time to unload.

It took a while. I have a lifelong habit of using books as file folders. Before I could throw them away, I had to go through each and remove everything I'd stuck between the pages. I found pay stubs, hate mail, invitations, travel itineraries, birthday cards written in crayon, notes from my wife.

I'd wanted to save all this stuff, and until now it hadn't dawned on me that the books in my office would be a bad place to do it. That's the thing about books and jobs. You think you'll have them forever.

Tucker Carlson

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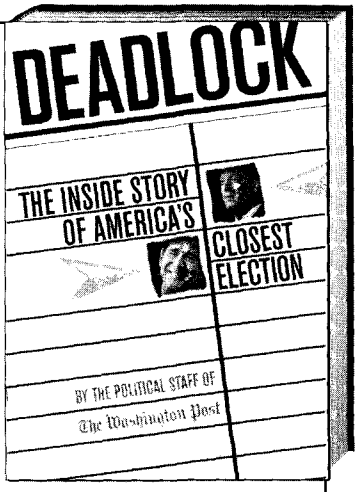
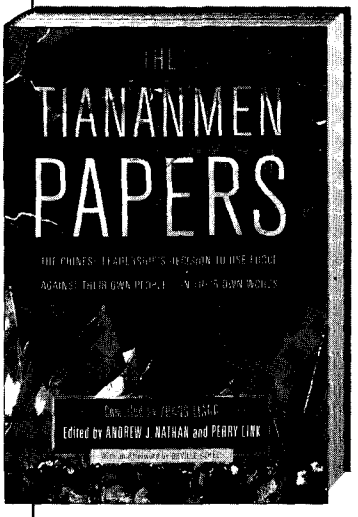
DEADLOCK

By the Political Staff of ***The Washington Post***



Deadlock is the first comprehensive, wholly original account of what really happened in the "post-election" of 2000, written and reported by the award-winning political staff of *The Washington Post*, America's premier newspaper for politics and elections. Drawing on hundreds of interviews with the key participants and offering details never before reported by any news organization, the *Post* staff has produced not just an original work of history-in-the-making, but a page-turner to rival the best political thrillers.



THE TIANANMEN PAPERS

Edited by **Andrew Nathan** and **Perry Link**

Foreword by Orville Schell

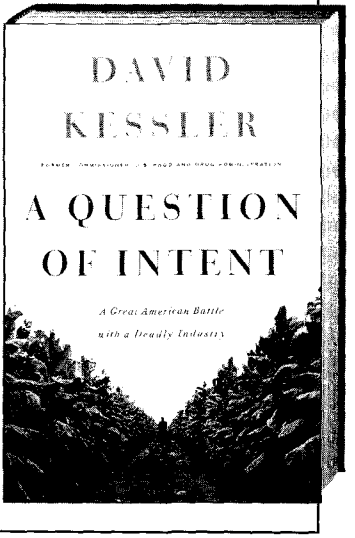
Here are the "Pentagon Papers" of China: documents smuggled out of the country that reveal what really happened inside the Chinese leadership during the Tiananmen Square crisis. *The Tiananmen Papers* will forever alter how we understand China, and how China understands itself.

"[T]he publication of *The Tiananmen Papers* [is] a momentous event."
—Jonathan Mirsky, *The New York Review of Books*

"[A] gripping and coherent historical document."
—Jonathan Spence, *The New York Times Book Review*

A QUESTION OF INTENT

David Kessler



The controversial former commissioner of the Food and Drug Administration tells the surprisingly gripping, suspenseful, inside story of how his agency confronted the tobacco industry.

"David Kessler tells an important story . . . full of intrigue and politics—and he does so lucidly and with great passion." —Jonathan Harr

"[I]mparts an enormous amount of legal, political, and scientific information while maintaining the narrative drive of a thriller."
—*The New Yorker*

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Greece and Terrorism

It seems that nothing will stop Wayne Merry from pursuing his questionably motivated and, by now, tiresome vendetta against Greece, portraying one of the safest democracies of Europe as a haven for terrorists who will kill at random in the streets of Athens ("Where Terrorists Run Free," Feb. 12).

Without producing a single scrap of evidence, Merry insists on his outrageous claim that the reasons for the failure to crack down on the "November 17" terrorist group, responsible for 23 assassinations over a 25-year period, are political: that members of the governing socialist party are deliberately shielding former associates in the resistance against the 1967-74 dictatorship. The accusation is absurd on the face of it, since the "November 17" terrorists have included members and premises of the socialist party among their targets during a period when governments of both major parties have alternated in power. Indeed, the first "November 17" murders occurred during the 1975-81 period of a conservative government and continued during the 1990-93 period when the son-in-law of then-prime minister Constantine Mitsotakis was one of the victims. What possible motive could these conservative governments have had to protect such killers? On the contrary, they had every reason to unearth such links, if they existed, but failed to do so.

Clearly, nobody in Greece is pleased that a singularly elusive small group of criminals, acting sporadically and in secrecy against targeted individuals, mainly Greek, but foreign citizens as well, have so far escaped arrest. The tragic assassination last June of the British defense attaché, Stephen Saunders, outraged Greek public opinion and was a turning point in Greece's determination to eradicate terrorism. A reward of more than $4 million has been offered, confidential hotlines have been established, a public information campaign has been launched, and legislative changes foresee non-jury trials for terrorists and a witness protection program. Judging from the public outcry and Greek media commentary, the Greek people are outraged by terrorism's toll in terms of human lives destroyed and reputations damaged. The authorities will not rest until the perpetrators are brought to justice.

Also, in the context of a comprehensive security plan for the 2004 Olympic Games in Athens, the Greek government, in cooperation with the United States, is intensifying its anti-terrorist resources and methods to bring them up to the highest standards. Last September, it signed a protocol of cooperation with the United States on combating organized crime and terrorism. There is close cooperation as well with Scotland Yard and other European law enforcement agencies to deter trouble from any source.

We care deeply about the elimination

of the terrorism scourge that has hit many countries around the world, including the United States. We are treating it very seriously, not only because of the tragic loss of human life, but also because terrorism undermines Greece's national interests. Despite Merry's obsessive defamatory campaign, Greece has one of Europe's lowest crime rates and will continue to care for the comfort and safety of its 12 million annual visitors.

Achilles Paparsenos
Embassy of Greece

Wayne Merry responds: I do not attack Greece or its people. My valid accusations concern political leaders who have brought shame on their nation by tolerating terrorists who could have been stopped years ago.

The "November 17" terrorists have claimed 106 attacks. Greek law enforcement has solved none. The U.S. National Commission on Terrorism identified 146 terrorist attacks against American interests. Greek police solved one, in the city of Thessaloniki. A U.S. government compilation for 2000 lists 115 politically motivated bombings and other terrorist acts in Athens, including the murder of British defense attaché Steven Saunders. The Greek police record: zero.

Cooperation against terrorism must be more than words to achieve arrests. The murder of Saunders did inspire Greek revulsion and official promises of real cooperation. The murder of our defense attaché, Navy captain William Nordeen, 12 years earlier, inspired a similar short-term reaction—but still no arrests.

RU-4 RU-486?

In "The FDA and the Abortion Pill" (Feb. 5), Jennifer Kabbany cites an article that I wrote for *Mother Jones* to support her argument that medical abortions are unsafe. Kabbany has misrepresented my article and medical facts in a flimsy attempt to bolster her case.

My article investigates the complications and lawsuits that have resulted from the routine use of the drug misoprostol (Cytotec) to induce labor in pregnant women. The complications have included uterine rupture during childbirth. These problems stem from the widespread use of misoprostol at the end of a full-term pregnancy—38 to 42 weeks. Contrary to what Kabbany implies, my story says nothing about the effect of misoprostol during the first trimester of pregnancy, when medical abortions are typically performed and when experts note that there is virtually no risk of a woman's uterus rupturing.

If Kabbany is forced to misrepresent her sources to make a case against medical abortions, it suggests that she has no credible evidence to cite in support of her conviction that this procedure endangers women's health.

David Goodman
Waterbury Center, VT

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I WOULD LIKE TO TAKE this opportunity to correct some of the misinformation that was reported in the article about the early option pill, which is used to end early pregnancy.

Regarding FDA approval of the drug, the article states that, "speed, rather than safety, seems to have governed the process of approving" mifepristone. The approval of the Mifeprex regimen (mifepristone and a prostaglandin known as misoprostol or Cytotec) was not fast-tracked. Mifeprex was approved under a set of rules used to establish distribution systems for drugs that the FDA has found to be safe and effective, and does allow for fast-tracking in some cases.

The FDA has repeatedly said, however, that drugs approved using this process must meet exactly the same standards of safety and efficacy as other approved drugs. We have been working since 1996 to receive FDA approval for the Mifeprex regimen. In fact, 1996 was the same year we received an Approvable Letter from the FDA stating that the Mifeprex regimen was safe and effective. Still, additional questions about the distribution and manufacturing process needed to be answered. As with any drug, Danco had to meet strict requirements for the manufacture of Mifeprex; the FDA inspected our manufacturer and determined that Mifeprex has been manufactured to meet the current Good Manufacturing Practices of the FDA. The distribution and manufacturing questions were answered to the satisfaction of the FDA, and the result was FDA approval four years later—hardly fast-tracking.

The approval of the Mifeprex regimen was based on large-scale clinical trials conducted in France and in the United States. Results of the studies were peer-reviewed and published in the *New England Journal of Medicine* and the American Medical Association's *Archives of Family Medicine*. The drug has been thoroughly studied, both internationally and in the United States, and has been approved for use in 18 countries including the United States. More than 2,000 women participated in the Population Council-sponsored U.S. clinical trials, and over 620,000 women in Europe have used this drug safely and effectively over the last 12 years. Every aspect of the safety, efficacy, and manufacture of Mifeprex was thoroughly reviewed and approved by the FDA.

At Danco Laboratories we spent many years working to ensure that Mifeprex met the FDA's safety and efficacy standards, that the manufacture of Mifeprex met both our standards and those of the FDA, and that we had a distribution system in place that would allow both access and safe use. We are pleased to offer women in the United States this non-surgical option for ending early pregnancy. It is important that women and their health care providers receive accurate information about Mifeprex.

RICHARD HAUSKNECHT
Danco Medical Director
New York, NY

JENNIFER KABBANY RESPONDS: Misoprostol's (Cytotec) manufacturer, Searle, gives the strongest warning to doctors against using the drug to induce labor or abortion. In Searle's words, it can cause "maternal and fetal death, severe vaginal bleeding, shock," etc. It is not my argument, then, that Goodman should complain about, but the manufacturer's.

As for RU-486's approval, it was conducted under FDA's Subpart H "Accelerated Approval of New Drugs for Serious or Life Threatening Illness"—a category that requires lots of stretching to make it include medical abortion. Thirty drugs had previously been approved under this protocol: 17 for AIDS, 9 for cancer, and another for end-stage leprosy. Subpart H approval means Danco enjoys exemption from liability for adverse side-effects of its product.

The clinical trials were sobering. Out of 2,000 women, 8 percent suffered incomplete abortions and 5 percent "excessive bleeding," according to the *New England Journal of Medicine*. These are serious complications that, if left untreated, could be lethal. In Iowa Dr. Mark Louviere treated one clinical trial subject who had lost more than half her blood and was near death. Danco's high praise of the RU-486 regime's safety is understandable, but hardly the final word. The company was created in 1995 to market and distribute one product—RU-486.

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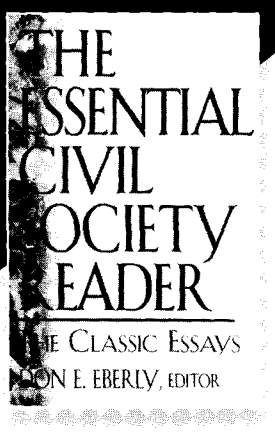

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the weekly Standard

"People would hand me envelopes..."

For a handful of remaining stalwarts, the pardons are nothing. Next year, if security cameras capture Bill Clinton robbing a bank with a sawed-off shotgun, James Carville will no doubt go on *Hardball*, just as he did earlier this month, and call him "the best president we've ever had." Joe Lockhart will tell Larry King that Clinton's decision to rob the bank was made purely "on the merits," which decision is being misrepresented so as "to inflict political damage on the former president and on the Democrats as a whole." Poor John Podesta will subject himself to another 15-minute *Meet the Press* humiliation: "Well, I think that the—Tim, the truth is that over the course of that time, it was sort of a—you know, we were—we had to—it was under consideration," this bank-heist thing, but lookit, can't we please talk about "medical privacy" legislation instead?

And Lanny "Fido" Davis, ever vainly attempting to retrieve his master's frisbee reputation, will tell CNN that the former president deserves credit for not robbing *two* banks. American Indian "activist" Leonard Peltier had also applied for presidential clemency, Davis has lately reminded us. But Peltier, who shot two FBI agents as they knelt before him, already wounded, and begged for their lives, was actually refused a pardon by Clinton—such is the awesome spine of our 42nd president. Why, Davis wonders indignantly, are so few people commenting on *that*?

He has a point. A few short months ago, after all, half the college-educated world would have respectfully echoed Lanny's little yips and yowls. But continued Democratic control of the White House is no longer at issue—nothing practical any longer depends on Bill Clinton's image, that is—and unvarnished truth is suddenly back in fashion. Our leading editorial pages, for example, now proudly announce their discovery that the Earth revolves around the Sun: The pardons, they declare on an almost daily basis, are "emblematic of a consistent contempt for the office of which Mr. Clinton was temporary steward." Friends of Bill complain to the New York tabloids that he has—*sacrébleu*!—lied to them. Jimmy Carter calls his fellow ex-president "disgraceful." And the disgraceful man's own cabinet appointees hiss that "he's on his own" from now on, for they have come to regard him with "total disgust." Imagine.

Bill Clinton is almost alone. In "a half-furnished Dutch Colonial in New York," attended only by the "former White House valet named Oscar" who brings him fresh cans of Diet Coke, our retired president spends his days on the phone, *Time* magazine reports, "calling to justify himself to his friends." It's all about "setups" and "overzealous prosecutors" and "unfair legal cases that never should have gone to indictment," sighs one person who recently received such a harangue. "You get tired of listening to it." Or you decline to listen to it altogether: "David Geffen will barely talk to me!" a despairing Clinton has been heard to moan—and this because Leonard Peltier *didn't* get a pardon.

Except that in this last particular, as in every other, the president's fickle pals rather too easily exempt themselves from blame. Is it *entirely* Clinton's fault that Leonard Peltier remains locked up? It is not. David Geffen is a billionaire. He should have bought the cop-killer a better connected lawyer. Which is pretty much all it took, as a careful reading of last week's news stories, each one better than the last, suggests.

In the early 1990s, Manhattan attorney Harvey "The Wing" Weinig codirected a $19-million money-laundering operation for Colombia's Cali cocaine cartel. At his trial, federal prosecutors played tape recordings of Weinig boasting of his participation in a kidnapping and extortion plot—and scheming to steal a fortune from his drug-lord employers: "F—k 'em! F—k 'em! I'm taking a million dollars and let's see [them] get it from me!" Early last year, about a third of the way through his resulting prison sentence, The Wing secured the services of defense attorney Reid Weingarten, already familiar to the White House through his helpful representation of such Clinton-ambit sleazeballs as Charlie Trie, Teamsters ex-president Ron Carey, Pauline Kanchanalak, and Mike Espy. And Weingarten, along with former Clinton aide David Dreyer, who is related to Weinig by marriage, then went to work on the West Wing. Two months from now, and over the vehement objections of the Justice Department, Harvey Weinig will go free.

James Manning and Robert Fain are two guys convicted of tax evasion in 1982. They're both from Arkansas and they both somehow know another man from Arkansas, television

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producer and presidential sycophant Harry Thomason. Thomason, of course, knows Clinton *consigliere* Harold Ickes, whom he approached on behalf of Manning and Fain a week or so before Inauguration Day. Ickes shares a legal practice with Hillary Clinton campaign treasurer William Cunningham III, who then drew up the requisite pardon paperwork. After which—and with just days to spare before all the friendly faces there would disappear—another Ickes law partner, Janice Enright, delivered the Manning and Fain petitions to the White House. Presto.

Then there's Roger Clinton, the former president's trouble-magnet, ne'er-do-well brother. Roger, *Newsweek*'s invaluable Michael Isikoff and Daniel Klaidman recently revealed, was last year under serious FBI investigation for having solicited cash payments from various underworld types on promises that he could arrange to have a certain presidential someone wipe clean their criminal records. And Roger, it turns out, did wind up directly appealing to that someone, in the waning days of his administration, for about ten such pardons. Not to worry, advises Julia Payne, spokesman for America's first family of corruption: Roger says he received no compensation for making these requests. And Bill says he didn't grant any of them. We are meant to take their word for it, apparently. The president's January 20 pardon of Mitchell Couey Wood, for the crime of having once procured cocaine—from Roger Clinton? Chalk that up to random chance.

Finally, there is the partially resolved mystery of Carlos Vignali, highlighted in these pages last week. In early January, Vignali was still less than halfway through a 15-year federal sentence for financing a major interstate cocaine trafficking ring. Then a little birdie whispered in his ear. "Word around prison," Vignali later told his lawyer, "was that it was the right time to approach the president." And so he did. Whereupon the president—here, too, over vehement objections from the Department of Justice—said okay. This much we learned when the *Los Angeles Times* reported it on February 11. The question remained, however: Who in the world could have led Vignali to believe that Bill Clinton's absolution was his for the asking? And how in the world could it have proved to be true?

The answer spilled out last Wednesday: Vignali and a second highly questionable pardonee named Almon Glenn Braswell paid the president's brother-in-law, Hugh Rodham, $200,000 apiece to grease their deals during an extended January visit to the White House. Never once while successfully wheedling for these clemencies, Bill Clinton now urges us to understand, did Rodham specifically mention he'd taken any kind of fee—and the money has since been returned. Moreover, Hillary Clinton was an ignorant and therefore innocent bystander throughout the entire affair: "You know, it came as a surprise to me." And "I did not have any involvement in the pardons that were granted or not granted, you know." And, "You know, I don't have any memory at all of ever talking to my brother about this."

Yes, well, guess what? After eight long years, we think we're fully entitled to disbelieve such denials—and we suspect that the rest of America, brutally if belatedly disabused of its credulousness about the Clintons, might at last be prepared to share our doubts. For it is surely bad enough what Mrs. Clinton inadvertently *admitted* at her damage-control press conference last Thursday: "It became apparent around Christmas that people knew that the president was considering pardons." And the place was subsequently besieged by "many, many people who had an interest, a friend, a relative," or whatnot. Such "people would hand me envelopes" and "I would just pass them on." And if her brother Hugh were, "you know, Joe Smith from somewhere who had no connection with me, we wouldn't be standing here, would we?"

No, indeed, we would not. Because Joe Smith's clients, with no hope whatever of purchasing the favor of a presidency conducted from start to finish like some medieval court of intrigue, would still be sleeping behind bars.

—David Tell, for the Editors

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The Jews Made Me Do It!

Clinton's handy excuse for pardoning Marc Rich.

BY CHRISTOPHER CALDWELL

BILL CLINTON SPENT MUCH of his presidency claiming he was being persecuted with a new political attack strategy: Partisan character assassins would use the *Drudge Report* or the *National Enquirer* or the *American Spectator* to air charges—on Whitewater, on the Lewinsky affair—that didn't meet the mainstream media's stringent rules of evidence. Once aired, the charges *themselves* would be news, at which point the country's papers of record could cynically report them. When in mid-February Clinton chose CNBC's trashy *Rivera Live* as the venue for explaining his pardon of Marc Rich—commodities trader, tax evader, fugitive, philanthropist—he was practicing state-of-the-art media warfare as he understood it.

"I'll tell you what did influence me . . . Israel did influence me *profoundly*," Clinton told Geraldo's millions, a viewership not heretofore known for its close study of Middle East diplomacy. His explanation made little obvious sense, but now it was "news," fit to print in the Sunday *New York Times*, which three days later opened its op-ed pages to a Clinton *apologia*.

Clinton ran through seven substantive reasons and one political reason for offering Rich clemency. The substantive "reasons"—from claims that three Republican lawyers urged Rich's pardon to an exculpatory analysis of Rich's tax liability commissioned by Rich himself—were either false or biased. It was the eighth, political reason in which Clinton was really taking refuge: "Finally, and importantly," he wrote . . . (*importantly?* the reader asked) . . . "many present and former high-ranking Israeli officials of both major political parties and leaders of Jewish communities in America and Europe urged the pardon of Mr. Rich because of his contributions and services to Israeli charitable causes, to the Mossad's efforts to rescue and evacuate Jews from hostile countries, and to the peace process through sponsorship of education and health programs in Gaza and the West Bank. . . . I felt the foreign policy considerations and the legal arguments justified moving forward."

Marc Rich

Illustration by Earl Keleny

Christopher Caldwell is senior writer at THE WEEKLY STANDARD.

Blaming an unpopular pardon on powerful Jews—and lumping together the far-from-identical interests of American Jews and Israelis—makes a brazen kind of political sense. But it does not make for an explanation that holds up under scrutiny.

Israel's possible reasons for intervening in the Rich matter collapse into three categories: justice, money, and peace. Under none of them is Clinton's explanation credible or even plausible.

Justice. Israel's efforts to pressure foreign courts are frequently justified—even where the justice system looks functional and the defendant guilty. For instance, prime minister Ehud Barak intervened to try to stop Spain's rogue magistrate Baltasar Garzón (he of the Pinochet trial) from extraditing media magnate Vladimir Gusinsky to Russia to face corruption charges, of which he may well be guilty. What Garzón refuses to see, in all his leftist nostalgia, is that Gusinsky was charged not because he's corrupt but because his media outlets occasionally publish accurate (by Russian standards) information about the crooked oligarchs who surround President Vladimir Putin. And anti-Semitism cannot be excluded as a contributing factor. Barak's attempts to get Spain to release Gusinsky to Israel ought to be not just defended but applauded.

That said, Israel's involvement in the Rich case was highly improper. Israel has grown less concerned than it should be about the distinction between getting people out and getting people *off*. None of the "present and former high-ranking Israeli officials of both political parties" who wrote to Bill Clinton even hinted that Rich's prosecution had anything to do with his being Jewish. None claimed he could not get a fair trial in U.S. courts. So Israel's inter-

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vention constitutes a mildly insulting interference with American government, similar to, though of a lesser degree than, Mexican president Ernesto Zedillo's strident public opposition to California's anti-immigrant Proposition 187 in 1994. Clinton responded to Zedillo's provocation by ignoring it, not by citing it as an excuse for his own opposition to Proposition 187. An Israeli argument from justice is a reason *not* to pardon Rich.

Money. When Rich's Israeli representative, the former Mossad agent Avner Azulay, solicited "letters of appreciation," he urged that Rich's $200 million in charitable work be stressed. It is true that Rich has backed youth tours sponsored by the Birthright Israel foundation and paid for the logistics of bringing threatened Jews from Ethiopia and Yemen. That may be good of Rich, but it's irrelevant to Clinton's pardon. For, as the *Jerusalem Post* points out, Clinton is at a brass-tacks level defending himself against the charge of accepting bribes. Knuckling under to Israeli foundation heads who've been bought is no different than being bought oneself. "One wonders why Rich's philanthropy among the Jewish community and in Israel is worthy of mention among reasons for a pardon," the *Post* writes, "while Clinton denies any connection between the pardon and Rich's ex-wife's large donations to the Democratic party and to the Clinton library. If the latter connection is improper, as it obviously is, why not the former?"

Furthermore, Israel is not alone in its use of Rich's philanthropic largesse. Rich has bought favors in every country that will have him, sponsoring hockey teams, concert halls, museums, and hospitals on the (correct) understanding that a warm welcome is his best insurance against American jail time. Clinton also received pro-Rich testimonials from Switzerland (from the mayors of Zurich, Lucerne, and Zug, among others), Spain (King Juan Carlos), Russia, and Romania (a former minister of defense). Why paint this as an exclusively Jewish thing? Unless, of course, you want to paint this as an exclusively Jewish thing. There is no obvious reason—independent of malign political calculation—for Clinton to claim Israeli testimonials influenced him more "profoundly" than testimonials from other countries. No reason, that is, unless it be the "peace process."

Peace. This claim was advanced forcefully by the *New York Observer*'s Joe Conason, a Clinton courtier, even before the op-ed in which Clinton stressed "foreign-policy considerations." But what could those considerations be? Rich agreed to fund certain Palestinian compensation and investment funds as part of a future peace agreement. But it appears improbable that Barak, whose personal political fortune was more tightly linked to the peace process than any Israeli's, ever even mentioned this to Clinton. Barak was considerably more concerned with releasing the Israeli spy Jonathan Pollard than with springing Rich. Clinton's team claims Barak mentioned Rich three times, NBC says twice, and Barak's advisers say once, and only in passing.

And it is worth asking how a pardon for Rich would have served the peace process in the first place. Whether or not Israel needed Rich to set up a Palestinian venture capital fund, such business can be transacted just as easily from Zug (or Jerusalem) as from New York. Even to raise the question may be to miss the forest for the trees, to ignore the way Rich's pardon *threatened* Israeli interests. As the *Jerusalem Post* puts it, "If Prime Minister Ehud Barak used precious political chits with a U.S. president to help free an alleged tax cheat, that was an abuse of Israeli authority."

So Israel had three possible reasons to want Rich sprung, all of which prove specious on examination. American Jews had absolutely none. Clinton received relatively few letters commending Rich from American Jews, who criticized his pardon in roughly the same percentages as the rest of the public. But the letters he got were extraordinary and appalling. Abraham Foxman of the Anti-Defamation League not only wrote a fulsome testimonial to Rich, but also claimed he had written it for "humanitarian reasons," compounding his foolishness by stressing that he had acted in his official capacity. Rabbi Irving Greenberg of the U.S. Holocaust Memorial Museum wrote to Clinton on the museum's stationery. Eric Yoffie, writing in New York's *Jewish Week*, singled out Foxman and Greenberg as having been "bought" by Rich.

"Clinton pardoned Rich for his own benefit," wrote the Israeli novelist Zev Chafets. "But the effort of Rich's strategists to turn their client into a modern-day Alfred Dreyfus—with the active connivance of some of the world's most prominent Jewish personalities and institutions—is a scandal in its own right." Foxman and Greenberg seemed alone in not realizing that the very moral unimpeachability of their respective causes made those causes a particularly attractive weapon for unscrupulous politicians to pick up and use to their own ends. As Robert Fink, a Rich lawyer, wrote in a November 19 strategy memo to other members of the Rich team, they needed to enlist people "of high moral authority." The civil rights movement has been abused that way for years. But no national politician had ever had the bravado to so deploy anti-anti-Semitism. Not until now, at least.

There is something almost majestic about Clinton's gumption here. He's trying to convince Jews that he'd gone through the political gauntlet of the Rich controversy only out of loyalty to them, while simultaneously convincing the rest of the country that he'd agreed to the pardons only because the Jews (or the Israelis) had him over a barrel.

The testimonials from Jewish organizations—both in the United States and in Israel—were not only

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harmful to those organizations' aims. They were *totally unnecessary*. Each of the pleaders requested that the White House give Rich a fair hearing—at a time when Rich's go-between, his ex-wife Denise, had reportedly visited the White House a hundred times and made herself useful to the finances of both Clinton and his party. Nor did the letters have any effect. By the time Foxman was writing on December 7, at the urging of the Rich camp, to inform the president that "Marc Rich has made amends," Clinton had been hearing that song and dance for weeks from Rich's lawyer, the former White House counsel Jack Quinn, and others who were considerably closer to Rich than Foxman was.

So why even bother with the letters? What was the point of them? The point of them was that they could be kept in reserve for exactly the use to which Clinton is now putting them. They were gathered to provide plausible deniability, much as Clinton's 1993 investigation of the White House Travel Office employees was carried out *after* the decision to fire them had been made. What made the letters particularly scandalous is that they were ultimately favors not to Rich but to Clinton, cover for a deal set up independently.

The best sign that these pardons were about Clinton, and only about Clinton, came when the *Observer*'s Conason faulted Foxman for wavering from 100-percent loyalty once public opinion started shifting. (Irving Greenberg, too, issued a public apology for his pro-Rich lobbying.) "Now that the pardon has engendered almost universal criticism," Conason complained, "the ever-quotable ADL director—who prides himself on his willingness to take the heat for his beliefs—is uncharacteristically unavailable for comment." There is a more likely reason than shifting political winds for Foxman's silence. It's not that he looks like an influence peddler or a fair-weather friend. It's that he looks like a sucker. ♦

Conservatives ♥ George W. Bush

But will the romance last?

BY FRED BARNES

THE LOVE AFFAIR between conservatives and President Bush was epitomized by the appearance of Karl Rove, Bush's chief political strategist, at the Conservative Political Action Conference in Washington. Rove was as eager to be there as the group was to have him. Often attacked by conservatives during his years as a Texas consultant, Rove received two standing ovations. He had offered to speak after attorney general John Ashcroft turned down an invitation. To accommodate CPAC's schedule, Rove cancelled plans to return to Texas to help move his family to Washington. "I got my wife's permission," Rove says. When he arrived, Rove told his hosts he would "sneak out" after his speech. Instead, he stayed to hear other speakers and then lingered for 20 minutes to chat with CPAC attendees.

Fred Barnes is executive editor of THE WEEKLY STANDARD.

The Rove episode shows how attentive the Bush White House is to conservatives, especially "movement" conservatives. "You don't neglect your base," Rove explains. "This is a natural extension of what we did during the campaign." Nope, it's more than that. Guided by Rove, Bush doesn't treat conservatives as "just another interest group . . . like Native Americans or

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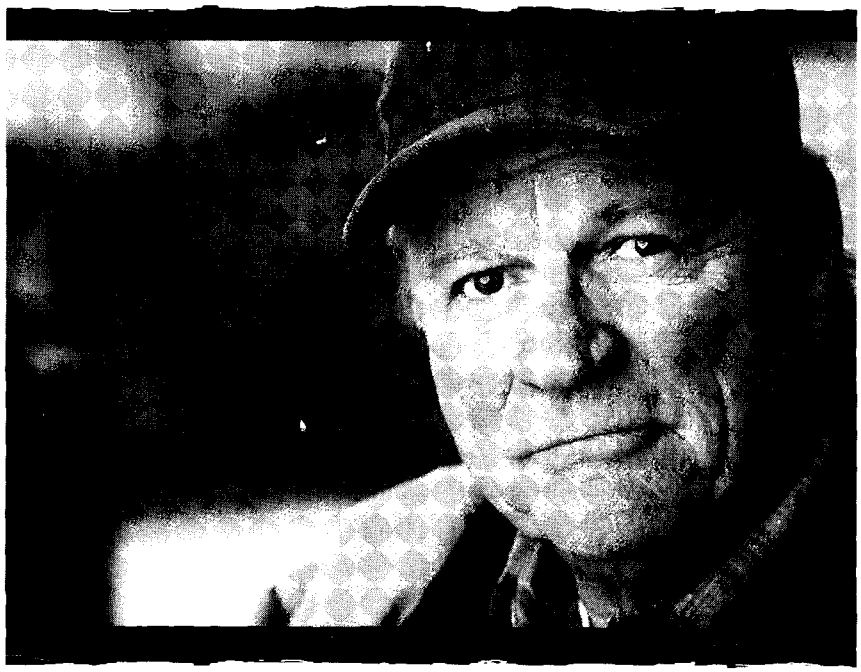

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Samoans," says David Keene, president of the American Conservative Union. "They're a junior partner." And this consideration for conservatives marks "a change from his father's rule, which was pretty much to ignore conservatives," says Chuck Cunningham of the National Rifle Association.

Just how attentive is the White House? Very. A Bush aide, either the White House political director or the head of the office of public liaison, attends Washington's two weekly meetings for conservative activists—run by Grover Norquist and Paul Weyrich respectively. Last week, Bush economic coordinator Larry Lindsey spoke at Norquist's gathering. Rove himself stays in almost hourly contact with conservatives. When a conservative lobbyist e-mailed him one evening about missile defense, Rove answered early the next morning, though the lobbyist wasn't a major player on defense issues. On inauguration weekend, the NRA fretted over a rumor that former Arizona senator Dennis DeConcini would be named drug czar. So an NRA official e-mailed Rove, who responded immediately with the sarcastic suggestion the White House would name Sarah Brady, a leading gun controller, to head the Bureau of Alcohol, Tobacco and Firearms. DeConcini, a Democrat, didn't get the job.

Then there are the frequent conference calls with social conservatives, economic conservatives, hi-tech conservatives, and Catholic conservatives. Rove usually joins these calls. It was a conference call with social conservatives during the transition that paved the way for Ashcroft to be picked as Bush's attorney general. Also, the White House is reviving the practice, from Bush's time as Texas governor, of inviting conservative scholars and intellectuals to meet with Bush or his staff. On tap are sessions with, among others, a group of presidential scholars (including some conservatives) and Frank Fukuyama, professor of public policy at George Mason University.

Bush has been wooing conservatives—and not just those in Texas—as far back as his first term as governor. Even before announcing for president, he'd locked up the support of top officials of the NRA, National Right to Life Committee, and Americans for Tax Reform (Norquist's group). His well-publicized embrace of born-again Christianity gained him backing inside the Religious Right. Of course, his main talking points—his agenda—are also conservative: tax cuts, Social Security reform, a stronger military, faith-based programs, and so on. And Bush has stuck to these goals almost robotically, citing them when he announced his candidacy in 1999, in his acceptance speech at the GOP convention last summer, when the Florida recount collapsed in December, and in his inaugural address. He never "trimmed his sails," says CPAC organizer Craig Shirley, even when John McCain attacked him from the left in the Republican primaries.

Karl Rove

AP/Wide World Photos

When Bush became president, the media expected conservatives to become his biggest problem, demanding more than Bush would be willing to deliver. Instead, Republican moderates, notably McCain, have caused more trouble. Conservatives have swooned. For each sector of the conservative coalition, says Norquist, Bush "got their hot button item and he got it right." Pro-lifers were rewarded by reinstatement of the Mexico City policy, barring aid to international pro-abortion groups. The NRA was thrilled with Ashcroft's promise to turn Project Exile, under which criminals who use guns are prosecuted swiftly in federal court, into a national program. NRA officials are also working with Housing and Urban Development secretary Mel Martinez to eliminate gun control efforts run by HUD. Religious conservatives, with a few exceptions such as Pat Robertson, like Bush's plan to fund faith-based social programs.

The romance between Bush and conservatives is bound to get rocky. Should Bush compromise with Democrats on taxes or spending or missile defense, it would cause a rift. But after the first month of the Bush presidency, there is nothing but mutual affection between Bush and conservatives. At CPAC, Rove played to his audience, likening Bush not to his father, the former president, but to Ronald Reagan. He spelled out Bush's five-part agenda and said the "sixth goal is to pass the first five." His message to conservatives, Rove said later, was to "get their armies ginned up" to enact the agenda. The night before, Vice President Dick Cheney was the CPAC speaker. He asked why Ashcroft hadn't come and was told Ashcroft had used the excuse that it would be unethical for the attorney general to speak at a political event. "Unethical?" Cheney asked. "Then why am I here?" For the same reason Rove was there: to stir the faithful. ♦

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Roe v. *Wade* v. Michigan

Can a doctor still be sent to jail for performing abortions? BY DAWSON BELL

Lansing, Mich.

REBECCA BLACK doesn't fit the mold of the pro-life activist. And for good reason: She isn't one. In fact, Black spent eight years working as a medical assistant in one of Michigan's busiest abortion clinics. Asked her personal views on the subject, she says, "I think it's a woman's right. I'm not going to judge. I'm not God."

But Black thinks Jose Gilberto Higuera should go to jail. Higuera is the OB/GYN abortion provider for whom she worked from 1986 to 1994. And thanks to evidence she gave state investigators in 1995 that Higuera had aborted a 28-week-old fetus, then falsified medical records to cover it up, he just might land behind bars.

This would make Higuera the first doctor in Michigan—and one of only a handful in the country—criminally sanctioned for performing an abortion since the landmark 1973 U.S. Supreme Court abortion decision in *Roe* v. *Wade*.

The possibility of jail time for Higuera suddenly became real on January 30 when a divided panel of the Michigan Court of Appeals defied expectations by overturning two lower courts and finding that the state's pre-*Roe* statute prohibiting abortion—the 1931 law under which Higuera was charged—is not entirely a dead letter. In certain circumstances, the 2-1 majority ruled, the act of aborting a viable fetus in Michigan is a felony, and Dr. Higuera can be tried for it.

Not surprisingly, the decision received a chilly reception from supporters of abortion rights in Michigan. The court's finding, after all, would appear to concede that not all reproductive decisions are "best left to a woman and her physician." Some such decisions apparently are criminal.

But, while chilly, the reception has not been shrill. By comparison with, say, the uproar whenever anyone suggests it should be against the law for an adult man to procure an abortion for his pregnant teenage girlfriend without her parents' knowledge, the reaction to *People* v. *Higuera* has been virtually inaudible.

There is a fairly simple reason for this. Abortions late in pregnancy make abortion advocates excruciatingly uneasy. Abortions at 28 weeks—which involve the unpleasant business of dismembering a fetus measuring upwards of 14 inches and weighing more than two pounds—don't poll nearly as well as the sacred right to terminate a first-term pregnancy.

Dr. Higuera's case has proven especially troubling. According to testimony in the criminal case against him, and a concurrent action by state authorities to revoke his medical license, Higuera's patient, identified as "D.D.," initially believed she was no more than 23 weeks pregnant—close to viability, but still under the cutoff after which the Supreme Court said in *Roe*'s successor, *Planned Parenthood* v. *Casey* (1992), that the "state's interest in fetal life is constitutionally adequate to justify a legislative ban on non-therapeutic abortions."

An ultrasound performed at Higuera's clinic, however, indicated that D.D. was in fact closer to 28 weeks. After discussions about why she wanted an abortion—she said,

Dawson Bell is a reporter in the Lansing bureau of the Detroit Free Press.

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"It's not the right time"—Higuera raised his price from $1,900 to $3,000 and went ahead.

When the two-day procedure was underway, Higuera told his patient she might have some cramping and go into labor overnight. If that happened, D.D. was instructed to call his assistant (Rebecca Black) rather than go to the hospital, because she might deliver a live baby. A day later he completed the abortion.

And that would have been the end of it, but for Black's decision to contact state health officials with her claim that Higuera was routinely performing abortions past 24 weeks and engaging in other unsavory practices like the re-use of IV bags and syringes. She made a copy of several patient files, including D.D.'s 28-week ultrasound, and turned them over to investigators.

Oddly, when investigators subpoenaed the original files from Higuera, the ultrasound report said 24 weeks. Another clinic aide said she had prepared a 24-week report at Higuera's request months after D.D.'s visit to the clinic, and Michigan authorities believe Higuera substituted the inaccurate report for the original.

All that, according to the Court of Appeals, added up to at least a theoretical crime under Michigan law, even as constrained by *Roe* and its progeny. The majority opinion was written by Judge Helene White, the Bill Clinton nominee to the Sixth U.S. Circuit Court of Appeals who is best known for waiting longer for confirmation than any federal court nominee in history (and waiting in vain). White's nomination was supported by abortion rights activists, and she is generally regarded as pro-choice. The prosecutor (who inherited the case and didn't drop it) is Michigan attorney general Jennifer Granholm, a Democrat and self-proclaimed advocate of "a woman's right to self-determination in her reproductive health care decisions."

So does this mean that some advocates of choice see performing some abortions as a crime? Probably not—at least not in any practical sense that would actually prevent any abortions from taking place.

A close reading of *Higuera* indicates that the case is no slam dunk for the prosecution. White's opinion asserts that to convict at trial, the prosecution must prove that the defendant "subjectively believed that the fetus was . . . viable and that the defendant, in his own mind, did not hold the subjective belief or medical judgment that the procedure was necessary to preserve the life or health of the mother."

Kary Moss, executive director of the American Civil Liberties Union in Michigan, called *Higuera* "a really difficult decision," but one with which the ACLU wouldn't take issue because "the law in Michigan does make abortion illegal after viability when, in the doctor's subjective medical judgment, it is not necessary to preserve the life or health of the woman."

In other words, a crime has been

Michael Ramirez

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committed when the doctor agrees that he has committed a crime. Small wonder that since *Roe* the successful prosecution of abortionists (with the exception of borderline butchers, like New York's Dr. Abu Hayat, convicted in 1993 after performing a late-term abortion in which he severed the arm of a baby that survived) has been exceedingly rare.

The overall unseemliness of *Higuera* (the doctor had a history of abortion malpractice claims) makes it difficult for abortion rights advocates to mount a defense, but one judge gave it a try. Judge Kathleen Jansen dissented in *Higuera*. She found Michigan's law unconstitutionally vague and said the testimony about the term of D.D.'s pregnancy was "entirely unclear." She also cast aspersions on Black's motives, asking why her conduct in collecting patients' files had not been investigated by the attorney general.

But, while Dr. Higuera has until late February to seek review by Michigan's Supreme Court, the ACLU's Moss isn't keen on an appeal. Moss said she "never wants to see any case on reproductive rights go to that court," which is dominated by conservatives.

Better, she said, for the case to "go away," lest it become an opportunity for "Right to Life to . . . hold up 30-week fetuses to horrify people."

Better, finally, to maintain the status quo: Abortion rights advocates can insist that abortion on demand is a myth and Dr. Higuera is an aberration, while at the same time justifying any abortion, performed at any stage of pregnancy, for any reason, as long as the patient and doctor do a better job than D.D. and Dr. Higuera of holding up the fig leaf of medical necessity.

Because without the fig leaf, there looms the disquieting prospect of more unhelpful statements from putative pro-choicers like Rebecca Black, who said that what Dr. Higuera did was "way past abortion; it was bad delivery." ♦

Grading on the Harvard Curve

Harvey Mansfield's irony goes unappreciated.

BY NOAH D. OPPENHEIM

HARVARD was once a great university. It may still be, but it is now even greater theater. No one knows the script better than government professor Harvey C. Mansfield, a renowned scholar of political philosophy who has a certain knack for finding trouble.

It was hardly a surprise, then, when his first lecture this semester landed him in the pages of the *Boston Globe*. On the first day of class, Mansfield, a legendarily tough grader, announced a new approach to evaluating his students. Henceforth, he would bestow two grades—one reflecting the true value of their work, and another "ironic grade" reflecting Harvard's inflated grading system. The "ironic grade" would go to the registrar so that each student's perfect transcript, if not his ego, would remain intact.

That Harvard inflates its grades should hardly be a controversial claim. This past academic year, more than half of the marks given to Harvard students were "A-" or higher. Grades are supposed to convey relative merit. And it seems preposterous that half the students at Harvard have achieved near perfection. Yet, that is precisely what many Harvard students believe. Mansfield's new two-tiered system was applauded on campus, but not for its subversive intent.

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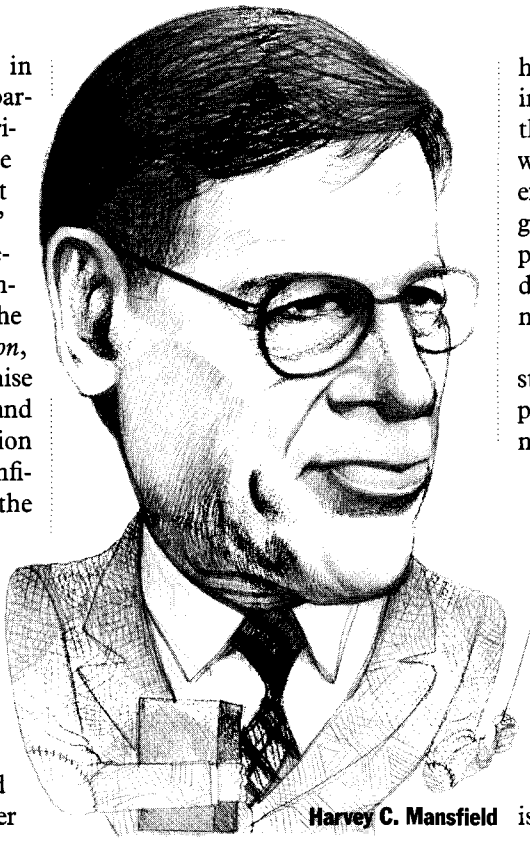
In the past, students enrolling in Mansfield's courses faced a cruel bargain: one of the best learning experiences at Harvard, in exchange for the risk of an honest evaluation. (That risk is not insignificant, as a "C" does not please Wall Street recruiters.) Now, it seemed, the learning finally could come risk-free. The campus paper, the *Harvard Crimson*, ran an editorial celebrating the demise of Mansfield's "despotic grading" and facetiously welcoming his realization that Harvard students have the "infinite wisdom necessary to master the great works presented in his class."

If Harvard's students had missed Mansfield's point, they would not miss a chance to further deride him, and it soon came their way. In the course of an interview about grade inflation, Mansfield was asked about the origins of the problem. He explained that it was linked to the concern over self-esteem. Instructors from elementary schools to universities want their students not to feel bad, so they give out higher grades than their students deserve. Mansfield also posited a related historical explanation. When affirmative action opened Harvard's doors to a large number of minorities in the early 1970s, "white professors were unwilling to give black students Cs to avoid giving them a rough welcome. At the same time they didn't give Cs to white students to be fair."

Mansfield's affirmative action theory was not well received. The dean of Harvard College, Harry Lewis, told the *Globe*, "This is groundless and false. It is irresponsible for him to make this broad and divisive claim without providing a shred of evidence to support it." Harvard's Black Students' Association reacted with outrage. Apparently dismissing Lewis's public denunciation as inadequate, its president, Aaliyah Williams, complained to the *Crimson*, "The University has not done anything in the way of censuring [Mansfield]. For an institution that says it values diversity so much . . . they should walk the walk instead of just talking it."

Forget for a moment the pristine absurdity of censuring an outspoken professor in the name of diversity. First, it must be acknowledged that Dean Lewis is correct on one count—Mansfield's theory is short on supplementary evidence. There is no statistical proof that grades rose concurrently with the arrival of black students. But those clamoring for Mansfield's punishment are not angry at his anecdotal approach to history or his ascription of charitable instincts to white professors. Rather, they reject the implication that black students required any charity to begin with. Williams argues that Mansfield's comments "discredit the efforts of African Americans who came [to Harvard] and worked so hard." Again, on the subject of relative qualifications, Mansfield offers no firm evidence. But that is hardly his fault.


Harvey C. Mansfield

Mansfield's offensive contention rests on a simple assumption: Black students admitted through affirmative action in the early 1970s were less academically qualified—through no fault of their own—than those admitted without the benefit of special consideration. They, therefore, needed help to earn high grades. This assumption could easily be tested by examining the high school GPAs and test scores of incoming black and white students at the time. But Harvard deliberately withholds the relevant data. Lewis explains, "I don't know the precise origin of this policy, but I view it as of a piece with our general view that students are admitted here as individuals, not as representatives of classes."

It is natural to wonder why, if black students in the early 1970s were as prepared as whites, affirmative action was necessary at all. Lewis declines to speculate on the abilities of students in the past, but insists, "Today there is no significant difference between the academic qualifications of minority students and other students." He points to graduation rates—the only data the university releases by race—as evidence. Of course, given the school's generous grading system, Harvard's high graduation rate is hardly compelling testimony to its students' merit—black or white.

In an admirable show of restraint, Harvard has thus far declined to formally censure Mansfield for his remarks. University president Neil Rudenstine issued a statement denying a connection between minority enrollment and grade inflation, but never naming the offending professor. The Black Students' Association staged a sit-in protest at one of Mansfield's lectures, and subsequently met with him for two hours behind closed doors. Said Williams after the meeting, "He clarified his point of view, which was that his main issue was with white professors and white guilt. He needs to communicate that more, that his issue is with the professors and not with us."

The university, meanwhile, has no plans to combat grade inflation. Only Mansfield's students can expect an honest assessment of their work, even if it will no longer be part of their scholastic record. But that should cause no trouble. As this most recent episode confirms, when it comes to affirmative action, Harvard would prefer not to face uncomfortable realities. When it comes to the students' own intellectual vigor, they are equally squeamish. ♦

Illustration by Earl Keleny

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Drug Wars

Just say no . . . to treatment without law enforcement. BY JOHN P. WALTERS

THE WAR ON CRIME AND DRUGS is rapidly losing ground to the war on punishment and prisons. Recently, *Newsweek* featured Robert Downey Jr. on the cover, along with a series of articles and essays on the drug problem with the general theme that law enforcement and incarceration don't work and that we need to embrace treatment and new treatment drugs. But Downey only seems to get treated for his addiction when he is forced to by the criminal justice system. Indeed, it's hard to imagine a worse advertisement for the effectiveness of drug treatment than Robert Downey Jr.

The therapy-only lobby is alive and well and more dogmatic than ever. If it weren't for the ideology associated with treatment—addiction is a disease, not a pattern of behavior for which people can be held responsible—law enforcement and punishment would be natural partners of the treatment providers (remember Marion Barry, whose treatment followed his arrest). The evidence is that coerced treatment works at least as well as voluntary treatment, and it has long been a staple of effective treatment programs that the addict must take responsibility for himself.

Newsweek makes much of the promise of new wonder drugs for treatment, but what new anti-drug drug is likely to work substantially better than the drugs we have to block tobacco craving ("the patch" and "the gum") and the medication we have to make alcohol consumption a sickening experience for alcoholics? These are useful tools, but there are still many smokers and alcoholics. If anything, the trend of anti-drinking and anti-smoking efforts today is to criminalize certain aspects of use and to attack availability.

What really drives the battle against law enforcement and punishment, however, is not a commitment to treatment, but the widely held view that (1) we are imprisoning too many people for merely possessing illegal drugs, (2) drug and other criminal sentences are too long and harsh, and (3) the criminal justice system is unjustly punishing young black men. These are among the great urban myths of our time.

According to the most current data, in 1997 only 8.8 percent of the 1,046,705 individuals in state prisons were there for drug possession. Drug trafficking offenses accounted for 11.3 percent of those imprisoned; property offenses 22 percent; and violent crimes 47.2 percent. Throughout the 1980s and 1990s, violent crimes vastly outpaced drug offenses as the cause of the prison population's rapid growth. The situation at the federal level is even more lopsided. In fiscal year 1999, just 2.2 percent of federal drug convictions were for simple possession.

And even these numbers overstate the incarceration rate for drug possession. Although we do not know for sure how many of those sentenced for a drug possession conviction were actually traffickers who were allowed to plead guilty to a lesser charge, or repeat offenders whose record put them in prison for their most recent offense, or both, the available data suggest the numbers are very large indeed. In fiscal year 1999, the U.S. Sentencing Commission reports that 94.2 percent of the 20,893 federal drug offenders had pleaded guilty, usually to a lesser charge. Moreover, federal law contains a "bypass" provision to allow low-level, nonviolent offenders

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to avoid mandatory minimum sentences. The idea that our prisons are filled with people whose only offense was possession of an illegal drug is utter fantasy.

But are prison sentences too long? With the sharp drop in crime, have we made criminal punishment too harsh? In the Winter 2001 issue of the *Public Interest*, Paul H. Robinson argues that we have. Even Robinson acknowledges, however, that there is considerably less to the drop in crime than conventional wisdom would suggest. He notes that "the declining crime rate of the last eight years would have to continue unbroken for another three decades before we returned to the crime levels the Baby Boomers enjoyed as children." And consider this: Americans are still more likely to experience what statisticians call "violent victimization" than to be injured in a car crash.

Nonetheless, Robinson argues that longer sentences and "three strikes" laws are unjust because they pursue a policy of incapacitating criminals under the "cloak" of punishment. They punish offenders not just for what they have done, but also for what they are viewed as likely to do in the future. But Robinson makes too little of the fact that incapacitation—protecting the public from criminals, particularly repeat offenders—has almost always been one of the goals of punishment in our criminal justice system.

The most recent data, moreover, reveal how limited has been the "success" of incapacitation: In 1997, 46.6 percent of state prisoners had been on probation or parole when they were arrested for the offense for which they were serving time. The same data also indicate that 91.1 percent of state prisoners were violent or repeat offenders or both.

Neither is it true that the prison population is disproportionately made up of young black men. Crime, after all, is not evenly distributed throughout society. It is common knowledge that the suburbs are safer than the inner city, though we are not supposed to mention it. In 1998, of the 7,276 murders in the United States that involved a single offender and a single victim, 5,133 of the victims were male and 3,309 were black.

According to the FBI, 3,565 of the offenders in these murder cases were black, and 3,067 of the murders involved both a black victim and a black offender. In 1998, black males between the ages of 14 and 17 were almost 6 times more likely than white males to be victims of murder or nonnegligent manslaughter; black males between 18 and 24 were over 8 times more likely to be victims; and for those 25 and over, black males were murder victims at a rate 7.6 times that of white males. Whether one looks at murder, violent crime in general, or drug trafficking, criminals overwhelmingly victimize people like themselves.

It should be obvious, then, who will be harmed most if fewer violent and repeat offenders and drug traffickers are punished and sentences are substantially reduced. Though some who call for such reforms have the best of intentions, they recommend a course not of compassion but of cruelty. Instead of retreating from punishment, we should be contemplating the limited demographic window before us: By 2010, the population between the ages of 15 and 17, just entering the most crime-prone years, will be 31 percent larger than it was in 1990. Now is our chance to make prevention and enforcement work. ♦

Bigger Is Better

Size does matter when it comes to the Bush tax cut plan. BY STEPHEN MOORE

REPUBLICAN LEADERS at both ends of Pennsylvania Avenue say the greatest danger the GOP faces today is that it might fail to pass a promised tax cut this year. They are wrong. An even bigger danger is that it might pass a tax cut so diluted of economic growth incentives as not to revive a sluggish American economy. The problem is that as we digest more of the details of the Bush tax proposal and as we get more bad economic news, the GOP plan appears increasingly inadequate.

I say this as a supporter from the start of the Bush tax plan. George W. Bush deserves high praise for proposing a bold tax cut during the presidential race and carrying that message to victory. But what was bold then may lack the spark needed now. Although the president reaffirmed his commitment to the $1.6 trillion tax cut in his first solo press conference last Thursday, it is unpersuasive to argue in the midst of declining output and a nine-month-long stock market slide that a plan designed to cut the top tax rate from 39.6 percent to 38 percent in the first year is going to jolt our economy back to life. It won't. The economy may come back to life on its own, but this particular tax cut won't provide much help.

Supply-siders often point to the tax cuts in the 1960s under JFK and in the 1980s under Reagan as compelling evidence that reducing tax rates can have a bullish effect on GDP, employment, and investment. But the Reagan and Kennedy tax cuts sliced the top rate by 20 and 14 percentage points, respectively, in the first year. The Bush plan cuts the top tax rate by less than 2 percentage points. We're just not comparing apples to apples here.

All of this is to say that a strong case (on economic and political grounds) can be made by the White House for a bigger tax cut with steep-

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er tax rate reductions. The Congressional Budget Office now predicts there will be $1.5 trillion more in tax collections over the next decade than the budget office expected when Bush first conceived his tax reduction program 14 months ago. It stands to reason that if the tax surplus is growing, so should the tax cut. Even if the Social Security and Medicare "trust funds" are declared untouchable, we still have a $2.7 trillion operating surplus—$1 trillion more than the tax relief the White House is offering.

Yet in recent weeks the sound bites from the administration and key congressional Republican leaders have promoted the Bush tax plan and not one penny more. Treasury secretary Paul O'Neill told a House tax committee on February 13 that he should be fired from his job if the tax bill's price tag exceeds Bush's offer. Actually, he should be fired if the tax cut comes in *lower* than $1.6 trillion. Senate Finance Committee chairman Chuck Grassley pledges that no tax bill will get through his tax writing committee with a cost of more than the $1.6 trillion marker established by the White House. The Republicans haven't even gotten near the negotiating table with the Democrats and already they're making preemptive concessions. What we are now in danger of is a ceiling, not a floor, on the tax cut.

George W. Bush needs to pull a page out of Bill Clinton's playbook. Back in 1993 when Clinton first entered the Oval Office, he got the latest report from the Congressional Budget Office and proclaimed: Oh my gosh, the budget deficit is much worse than I thought; we need a much bigger tax increase than I campaigned on. Bush should now declare: Oh my gosh, the budget surplus is much bigger than I thought; we need a much bigger tax cut than I campaigned on. This would have the extra benefit that Bush would be telling the truth, whereas, of course, Clinton was dissembling.

Republicans must also resist the temptation of using Keynesian rhetoric to sell tax cuts. The central purpose of this reduction is not to put more money directly into people's pockets so they can rush off and spend, though that sure beats the government spending it. Rather, tax rate cuts promote growth by increasing the rewards for work, saving, and risk-taking.

Let's compare the incentive effects of the Bush plan with the tax cuts of the '60s and '80s. The way to calculate the supply-side effects of a tax cut is to compare the after-tax return on an extra dollar of economic activity before and after the change. In the early 1960s the top income tax rate was 91 percent. This meant that the after tax return on a dollar earned or invested was as little as 9 cents. JFK proposed chopping that top rate to 70 percent, which allowed workers or investors to keep 30 cents on the dollar. To go from a return of 9 cents on the dollar to 30 cents is a 233 percent increase in the incentives for work and investment. The Reagan plan increased work and investment incentives from 30 to 50 cents on the dollar, an increase of 67 percent.

What about the Bush plan? After three years it trims the top rate from 39.6 percent to 33 percent. That's an increase in incentives of just 11 percent and, as mentioned earlier, the first year rate cut is much smaller. So the supply-side effects of the Bush tax plan are about one-twentieth as large as the Kennedy plan and one-sixth as large as the 1981 Reagan plan. Admittedly, tax rates are a lot lower now than in the '60s and '70s, so the stimulative impact of any Bush income tax cut is going to be less pronounced than when rates were at confiscatory levels. All the more reason for the president and Congress to be ambitious in the effective date of the cuts and to add capital gains and payroll tax rate cuts to the mix.

Tax writers should take a closer look at a plan co-sponsored by representatives Pat Toomey, Paul Ryan, and about 20 other House members who want a Bush-plus tax agenda. They want the estate tax repealed immediately, the income tax rate cutbacks accelerated, the alternative minimum tax eliminated, and the capital gains tax cut. The price tag: $2.2 trillion, still well below the total non-trust fund surplus. Another worthy approach is in a bill now being drafted by newcomers Mike Pence of Indiana and Jeff Flake of Arizona, who want to simply repeal the Clinton tax increase of 1993. That would get the top tax rate back down to 31 percent.

Moving to a larger tax cut would work politically for Bush and the Republican Congress in three different ways. First, it would do more for an economy that badly needs it. Second, it would provide a striking contrast to the Democrats' far smaller $900 billion ten-year tax cut, announced by minority leaders Tom Daschle and Dick Gephardt two weeks ago. And third, by getting another half trillion out of Washington, it would help prevent congressional appropriators from launching a big federal spending spree, which would be truly politically catastrophic for the GOP.

Tax cuts can be financed through tightening the reins on the domestic budget which rose almost 7 percent last year, but even if a bigger tax cut means a smaller surplus, so what? If a generous tax cut passes, the economy will be more robust and families will be better off. If it is blocked, Bush can make a convincing argument to voters (even in a recession) that the stronger stimulus he wanted, and the economy needed, was denied by Daschle, Gephardt, and anti-growth forces in Congress.

Beyond that, Bush and congressional Republicans need to nail down their tax cutting credentials and place the shadows of 1990's tax hike behind them once and for all. If, a year from now, Republicans have passed a smallish tax cut, not all that unacceptable to the Democrats, the issue will simply be neutralized. The Bush tax plan must not be compromised away to accommodate the left wing of the GOP. At some point, a bad tax cut could be worse than none at all. ♦

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Holy Orlando!

Jerusalem as a theme park

By Matt Labash

Orlando, Fla.

From the moment one walks through the distressed-stucco Jerusalem city gate at the Holy Land Experience, Orlando's newest and only Bible-based theme park, it is clear that the generally useless French postmodernists did occasionally pin the caption on an epoch. It was a Disney-studying Jean Baudrillard who christened ours the "Age of Absolute Simulation," where simulated worlds bear stronger resemblance to reality than does the increasingly artificial real one.

And so it seems at the turnstile, where a costumed ticket-taker utters a hearty "Shalom." Though none of us knows for certain exactly how Jerusalem looked between about 1450 B.C. and 66 A.D., it was surely a lot like the park's recreated street market. Here, Middle Eastern soundtracks blast over an unseen PA system, while one meanders into the Methuselah's Mosaics art gallery to pick out a $5,000 Abraham-sacrificing-Isaac painted in oils (not on velvet). Just off King David's Alley, a guy named Mark (in period smock and flip-flops) loudly hawks the "ninth wonder of the world"—his milk-and-honey ice cream—which is moving much more briskly than the eighth wonder of the world, the lemon slush, known in antiquity as the "Thirsty Camel Cooler."

The very words "Christian theme park" tend to elicit ridicule. It was 13 years ago that P.J. O'Rourke visited the last Christian theme park, Jim and Tammy Bakker's now defunct Heritage USA, with the intention of scoffing. Instead, he wrote, he came away converted—"to Satanism." Unlike Heritage, however, the Holy Land Experience, which bills itself as a "living Biblical museum," doesn't favor air-conditioned doghouses, 52-foot water slides, or slutty church secretaries. It is intended to create a "total immersion experience," dramatically demonstrating that "the Bible is God's word to man" and sharing the message of God's grace to man through the "death, burial and resurrection of His Son." But that hasn't kept discount O'Rourkes at bay.

In fact, it seems to have attracted more of them, says a buoyant park spokesman, Ryan Julison, who has used the media controversy in a bit of public relations aikido. (The park has filled to its 800-person capacity by mid-morning every day since it opened on February 5, causing a run on tickets and a shortage of milk-and-honey ice cream.) "Check this out," Julison says, handing me a copy of an article from *PR Week* honoring Gilbert & Manjura (the park's outside PR firm, which employs Julison) for pulling off the "PR Play of the Week," generating thousands of television and print stories. The magazine is "the PR bible," he says proudly.

Well-tailored and good-humored, Julison is earnest enough to declare that he personally plays for Team Jesus, but earthy enough not to be religious about it. While the general tone of news coverage has been restrained bemusement, Julison says, "We've had every satirist in the country invent rides for this place—the Satan's breath roller coaster, the John the Baptist flume—that kind of thing." Since the park doesn't actually have rides, I ask Julison to start our tour at the water-to-wine bar. "You're the fourth guy to think of that," he says. "C'mon. You've got to do better than the *Apopka Chief* weekly."

At first blush, an outsider might expect the Holy Land Experience, which contains life-sized recreations of the Garden Tomb, the Herodian Temple, the Qumran Dead Sea Scroll caves, and the Israelites' desert Tabernacle, to earn censure from Christians wary of sacrilege. One would be wrong. After all, the evangelical community in Orlando, as big and fervent as that of Colorado Springs, is largely an outgrowth of mega-church culture—where a congregation can be a self-contained universe providing every amenity from food courts to car-repair service.

While evangelicals don't have the market cornered on commingling religion and commerce (the Source for All Things Jewish catalog features a Mickey Mouse menorah), they seem to do more of it than anybody else (Christian commerce nationwide is a $3 billion-per-year industry). Even at a buttoned-down operation like the Bible church I attend in suburban Virginia, where the scholarly pastor dedicates entire sermons to Greek and Hebrew etymologies, the well-stocked bookstore contains not only weighty volumes of apologetics, but stuffed Veggie Tales toys and biblical action figures (Job comes complete with festering

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AP/Wide World Photos

Holy Land Experience has been sold out since its February 5 opening.

lesions). A Christian theme park then isn't so much peculiar as inevitable.

Nor should the Holy Land Experience cause civic leaders concern on tackiness grounds—even if it does look like the mother of all mini-golf courses, with its gold-filigreed towers rising up along Orlando's humming Interstate 4. Orlando, after all, may be the only city that could fight Las Vegas to a tastelessness draw. It's a place that celebrates restaurants like Medieval Times, where tourists eat whole roasted chickens without utensils while watching "knights" combat each other with battle-axes. Likewise, it nearly included Veda Land, the transcendental meditation theme park proposed by the late magician Doug Henning, who hoped to construct a levitating restaurant to help tourists attain higher consciousness. Even respectable theme park pillars, such as Universal's Islands of Adventure (designed by ITEC, which also built the Holy Land Experience), contains the Triceratops Encounter, where visitors take a hike to watch a lifelike dinosaur perform its ablutions.

What has rankled the community—at least the Jewish community—is the park's founder, Marv Rosenthal. A Philadelphia native whose parents were Jewish (his mother became a Christian when he was a teenager), Rosenthal now sits in the office of a Mediterranean-style building that adjoins the park and houses his 11-year-old ministry, Zion's Hope, whose twofold purpose is to preach the gospel to Jews and to steep Christians in the Jewish aspects of their heritage (since without the Jewish prophets, a Jewish Jesus, and the early Jewish Christians, there wouldn't be much Bible left except for the Amalekites and the Philistines). As I catch up with him early one morning, Rosenthal is loose-tied and baggy-eyed. He has a matinee villain's slit of a mustache, and his hairline recedes into a Brylcreemed peninsula. Sitting behind a large desk in an office that mixes Jewish and Christian accents (stars of David, Billy Graham coffee table books, Christian Y2K survival guides), Rosenthal looks simultaneously elated and exhausted.

He's elated because after 20 years of dreaming (and having finally secured a significant donation from a Christian investor), he's been able to build a small theme park (15 acres) that would normally warrant a few paragraphs of local coverage in an already overstimulated Orlando. Instead, Rosenthal's attraction has garnered "10 years' worth" of free national publicity in just a few weeks. While Rosenthal has scrupulously vetted the park's content, opting to forgo rides in the interest of preventing anything "that would be cheap or demeaning or honky-tonk or dishonoring to God," the park's publicity has come largely because of Rosenthal's religion. Journalists grew exceedingly interested in the attraction when local rabbis cast it as an elaborate ruse to snooker Jewish tourists into switching teams. The militant Jewish Defense League's Irv Rubin even flew in from Los Angeles on the park's opening day to conduct a fizzled two-man protest, accusing Rosenthal of being a "soul-snatcher" (the Jewish Defense League's website, under the heading "The Quiet Holocaust," accuses evangelizing Christians, particularly Baptists, of trying to "LOVE US TO DEATH").

The rabbis, taking a more sophisticated tack, abstained from the JDL's protest, but universally denounced Rosenthal, who calls himself a "Hebrew Christian." "A Hebrew Christian makes as much sense as kosher pork," Rabbi Aaron Parry of Jews for Judaism told the *Tampa Tribune*. Nonsense, says Rosenthal, who asserts that if a Jew says he is an atheist, agnostic, or animist, "the rabbis still say he's Jewish. . . . But somehow if he believes in Jesus, he's no longer Jewish."

It's easy to understand why the rabbis are tense. As Mark Pinsky, religion writer for the *Orlando Sentinel*, says, the local Jewish community, who've recently been the recipients of everything from mass-mailed Jesus videos to cold calls, "feel like they're swimming in a sea of evangelical Christianity, and they're looked at as tuna fish." While the Southern Baptists (Rosenthal's an Independent Baptist)

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have spent the better part of two centuries concentrating their missionary efforts on easier-to-convert adherents of monotheistic religions, in 1996 they launched a very public campaign to evangelize Jews in particular. The Jewish tradition, by contrast, generally discourages proselytizing, so that Jews' only headline-generating conversion activity seems to be the occasional celebrity dalliance. (Madonna briefly flirted with pretending to be Jewish, before deciding she'd rather pretend to be British.)

Rosenthal insists that though he is an evangelist by trade and "makes no apologies" for sharing his faith, the intent of the park is not to pull a bait-and-switch by appropriating ancient Hebrew imagery in order to sock the gospel to Jewish visitors. Rather, he says, he wishes to "give color to the black and white" of scripture while encouraging people to "dust off their Bibles." Sure enough, the park is shy of evangelical hard sells, containing no altar calls, no commitment cards, not even any counselors. If one were prompted to seek more details on the Christian plan of salvation—say, after seeing the *Seed of Promise* film depicting the crucifixion—one would be forced to ask Mark, the milk-and-honey ice cream dipper, who seems more preoccupied with pushing Thirsty Camel Coolers than netting new recruits for the kingdom.

What the park does have in spades is an endearing let's-put-on-a-show spirit. With PR czar Ryan Julison as my guide, I head off down the Via Dolorosa to the Garden Tomb, where Julison apologizes for the air-conditioner's being on the blink, jeopardizing the dank "tomb-like atmosphere." I tell him not to worry, and point to a casually thrown off shroud, as if to ask, "Could that be . . . ?" "That's right," he nods, "it's J.C.'s," indicating a sign that reads "He is risen." While Julison makes every park employee available for interviews, I can't meet the Jesus character, who only makes appearances for a few weeks on either side of Easter. Rosenthal doesn't want his presence to become "corny" or "trite," and besides, Julison adds, "We keep you guys away, 'cause what if Jesus has got a track record of driving under the influence or something? I mean —how do you find somebody without sin? You just can't."

Instead, Julison takes me back to the actors' dressing room—an unthinkable security breach at a place like Disney—to meet Mary (as in Mary and Joseph). Gloria Beck, who plays the crowd favorite, is still holding a swaddled doll after completing a show. Beck has been in show business for a while, sort of. She was an opera-singing waitress at the Macaroni Grill, and for five years played Fred Flintstone and a "number of other furry things" at the nearby Universal theme park. While those experiences were slightly humiliating, her current role, she says, is "humbling. You get the baby in your arms and it sort of hits you. I'm looking at a piece of plastic, but it represents the son of God."

Some of the other presentations are not without glitches. At the Wilderness Tabernacle, costumed high priests painstakingly recreate the ancient Israelites' rituals on the Day of Atonement. These include a visit to the Holy of Holies, where a twirling funnel of fog representing the presence of God descends over the Ark of The Covenant (think *Raiders of the Lost Ark* meets Bay City Rollers concert). The CO_2 and water/glycol effect is mighty impressive. But when the show concludes, the tabernacle dumps its crowd out into The Plaza of Nations, interrupting Mary's period musical drama in the middle of the crucial dove release (20 or so doves are let out of a box, lurch toward Universal Studios before getting their bearings, then fly back to their trainer's house in Kissimmee, where they will be collected and returned to the park for the next show at 4:30 P.M.).

At other times it's unclear whether we are in the midst of a biblical theme park or a bad Elvis movie. Take the "Revival in the Land!" concert. Overcaffeinated players sing zippy contemporary Christian numbers with lots of box steps and over-the-head, making-a-sandwich hand clapping. Even as one favorably disposed toward the message, I find it hard to see a non-believer being in serious jeopardy of conversion here unless he has a weakness for stiff choreography and melting pancake make-up.

But just to make sure, I figure I should see the park through someone else's eyes. So I invite Rabbi Sholom Dubov, Orlando's only Orthodox rabbi, to be my guest. Other rabbis who've publicly castigated the Holy Land Experience without visiting it decline my invitation, citing every excuse from "a head cold" to its "not being good for the Jews." But Dubov sees an imperative to visit: "The Talmud says the rabbis have to study all the idol-worshipping of the pagans. It's important for us to know what's going on on the other side."

Dubov's may not be the most ecumenical assertion. But he's a good sport for coming. He shows up in a wide-brimmed rabbinical hat and a conservative gray suit and gazes amused at the Oasis Lagoon (a retention pond that Rosenthal would've liked to have made into a scale-model of the Sea of Galilee, if it hadn't been hemmed in on all sides by office parks and 7-Elevens). The lagoon reminds Dubov of a joke. A priest, a rabbi, and "another guy" are in a boat, which starts sinking. The rabbi skitters across the water to safety on the far shore, as does the other guy. The priest, having just witnessed two miracles, stands baffled in the boat. "The rabbi," says Dubov, "turns to his friend, looks at the priest, and says, 'Should we tell him where the rocks are?'"

It's one of the few moments of levity Dubov will experience all morning. For the park puzzles him. He is troubled in the Old Scroll Shop, where there are velveteen pouches

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for the souvenir mezuzahs ("Mezuzahs are supposed to go on the door," he says). He is troubled at the Wilderness Tabernacle, where the sacrifice of a lamb is portrayed as a foreshadowing of Christ's pending sacrifice on the cross. He is so downcast that he takes a pass on my offer to buy him a Hebrew National Hot Dog Pita Wrap at the Oasis Springs Café. "No thanks, maybe in D.C.," he says. "Do they have kosher places there?"

As we sit down at a table near the café, with mostly elderly Christian visitors eavesdropping as they lunch on Famous Jaffa Falafels, we engage in light theological debate. I stick up for Rosenthal, saying that the park stands little chance of converting Jews or anybody else—it's an affirmation of Christian faith in the form of biblical pageantry. Besides, even if Rosenthal is proselytizing—who cares? Any Christian who adheres to the Great Commission, the injunction in Matthew 28 to go forth and make disciples of all nations, knows that it requires us to make nuisances of ourselves by evangelizing, even if we do it through tacky theme parks.

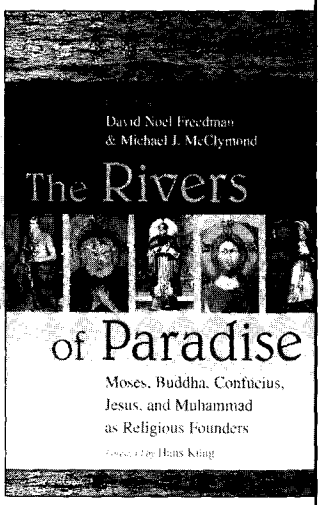
Dubov shoots back that an affirmation of faith is fine, but not when it seduces non-practicing Jews by appropriating, then recasting, the trappings of their faith. "Why do [Christians] have to keep on taking from the Old Testament?" asks Dubov. "Why can't they say, 'The Old Testament's old, we gotta new—out with the Old, in with the New'—but they don't say that." We respectfully disagree, and I sense that the Bedouin-Beef-Wrap-eating tourists around us are confused as to whether the rabbi is a visitor or an attraction.

Dubov says the Holy Land Experience is "amateurish," but he also pays it the highest compliment. "This should send a message to the Jewish community that we should have done it—or that we still should." In fact, he adds, they kind of have. In Brooklyn, the Lubavitch community where Dubov hails from has nearly completed its Jewish Children's Museum, which will feature everything from "pushka pinball" to an oversized Shabbat dinner table where children can crawl among giant matzah balls.

I inform Julison of this latest development. "That's great," he says, without a hint of competitiveness. "Go get 'em." Upon further rumination, however, he seems conscious that both sides are playing for more than tourism dollars. "Hmmm," he says with a new air of concern, "we don't have giant matzah balls." ♦

The Rivers of Paradise

Moses, Buddha, Confucius, Jesus, and Muhammad as Religious Founders



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OUR MONUMENTS, OUR SELVES

The Roosevelt Memorial and the Lincoln Memorial. All pictures Catesby Leigh, unless otherwise noted.

What we built then, what we build now. by CATESBY LEIGH

Rodney Mims Cook Jr. is an Atlanta architect and philanthropist with an idea for the nation's capital. He wants to erect in Washington, D.C.—on the traffic circle where Pennsylvania Avenue meets the Anacostia River—a privately funded triumphal arch celebrating the new millennium.

Rather than distinguishing itself from Washington's great architectural tradition—the tradition that gave us the Capitol, the Library of Congress, and the White House—this new arch would unambiguously build on that tradition. Cook envisions the sort of grand urban gesture that would have pleased the man who conceived the plan for our "federal city" more than two hundred years ago, Pierre-Charles L'Enfant.

By way of contrast, consider the World War II Memorial soon to be built a few miles away on the main east-west axis of the Mall in Washington, between the Lincoln Memorial and the Washington Monument.

You would think that a memorial for World War II would be an emphatically vertical mass—a triumphal arch, say—situated on a major axis. One appropriate site would be the traffic circle at the Virginia end of the Arlington Memorial Bridge. Scott Circle, six blocks up Sixteenth Street from the White House, would be another. But the Mall itself boasts a symmetrical arrangement of monumental structures, with the Washington

Catesby Leigh is an art critic living in Washington, D.C.

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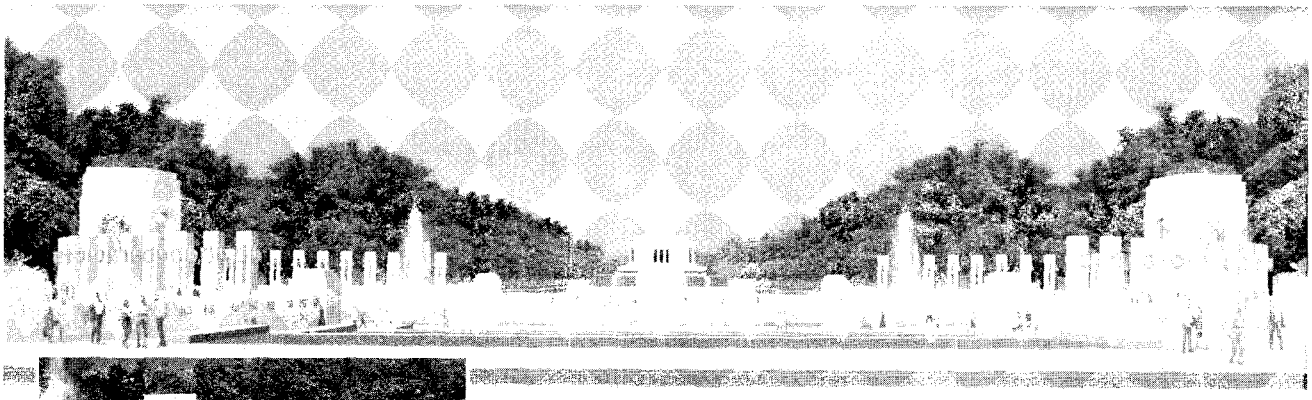
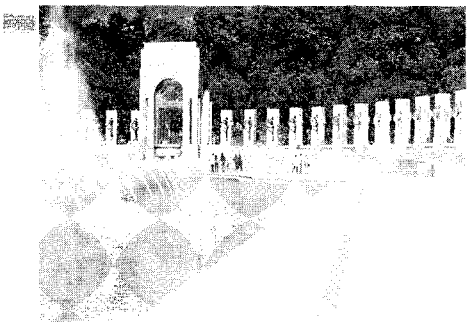


Courtesy American Battle Monuments Commission



Monument halfway between the Capitol and the Lincoln Memorial, which no one wants to disrupt. A poor choice of location has thus hamstrung the World War II Memorial's design from the outset, mandating an essentially horizontal, landscape-oriented scheme.

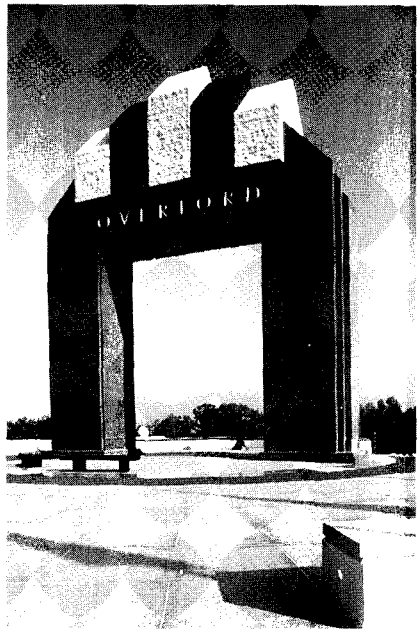
Architect Friedrich St. Florian's design sinks the oval-shaped Rainbow Pool (located at the east end of the Reflecting Pool) six feet below ground, creating a sunken plaza larger than a football field. The plaza is terminated at its north and south ends by what the design calls "triumphal arches." Symbols of victory in the Atlantic and Pacific theaters, these boxy structures are actually pavilions, aligned with rows of elms ranging along the Reflecting Pool.

Courtesy Norfolk Convention Visitors Bureau

Fifty-six free-standing pillars extend from the pavilions in semicircular formations. Like the piers supporting the pavilions, these seventeen-foot pillars boast unsightly rectilinear voids intended to convey a sense of openness at the site. However novel their treatment may be, the pillars merely clutter up the design. When viewed from Seventeenth Street, they will detract from the sense of imposing scale the pavilions, which are 42 feet tall, are supposed to convey. The trees enveloping the pavilions will have the same effect. In a sense, the World War II Memorial is respectful of the timeless architecture that defines Washington's monumental core: It fears to intrude; it wants to be a monument without imposing on the existing landscape.

In a way, the World War II Memorial harks back to the modernized or "stripped" classical buildings that went up during the 1920s and 1930s in Berlin, Moscow, Rome, and elsewhere. These buildings generally betray an emphasis on flat, rectilinear masses, less use of ornament, and a resulting diminution of the interplay of light and shade characteristic of classical architecture. After World War II, of course, triumphant modernism swept such feeble ersatz classicism aside. The idea was that a new architecture would replace traditional practice.

But things didn't work out that way. What transpired is merely the suppression of the formal language that had endured for 2,500 years—with nothing to replace it. The World War II Memorial, however retrograde it might seem to modernist iconoclasts, is one example of the depressing confusion we suffer these days. There are plenty of others:



Courtesy Dickson Architects and Associates

➤ *(Top) the World War II Memorial proposed for Washington. (Above) the D-Day Memorial in Bedford, Va. (Left) the bronze letters of the Armed Forces Memorial in Norfolk.*

• Norfolk, Virginia, has a new Armed Forces Memorial featuring twenty bronze sculptures of letters home from men and women killed in America's wars, with the letters scattered across a park pavement as if by a breeze. It is a case study in rank sentimentality.

• Across the state, a National D-Day Memorial, nearing completion outside the town of Bedford, boasts what may be the world's first attempt at an Art Deco triumphal arch. Perched on a scenic hilltop and rising to a slightly greater height than St. Florian's pavilions, this inappropriately stark, dark structure of polished deep-green granite is crowned not with figure sculpture, but with baffling abstractions of houses with steeply pitched roofs. Such roofs, it happens, are found in the towns of Normandy. The "houses," moreover, are alternately striped black and white to evoke the

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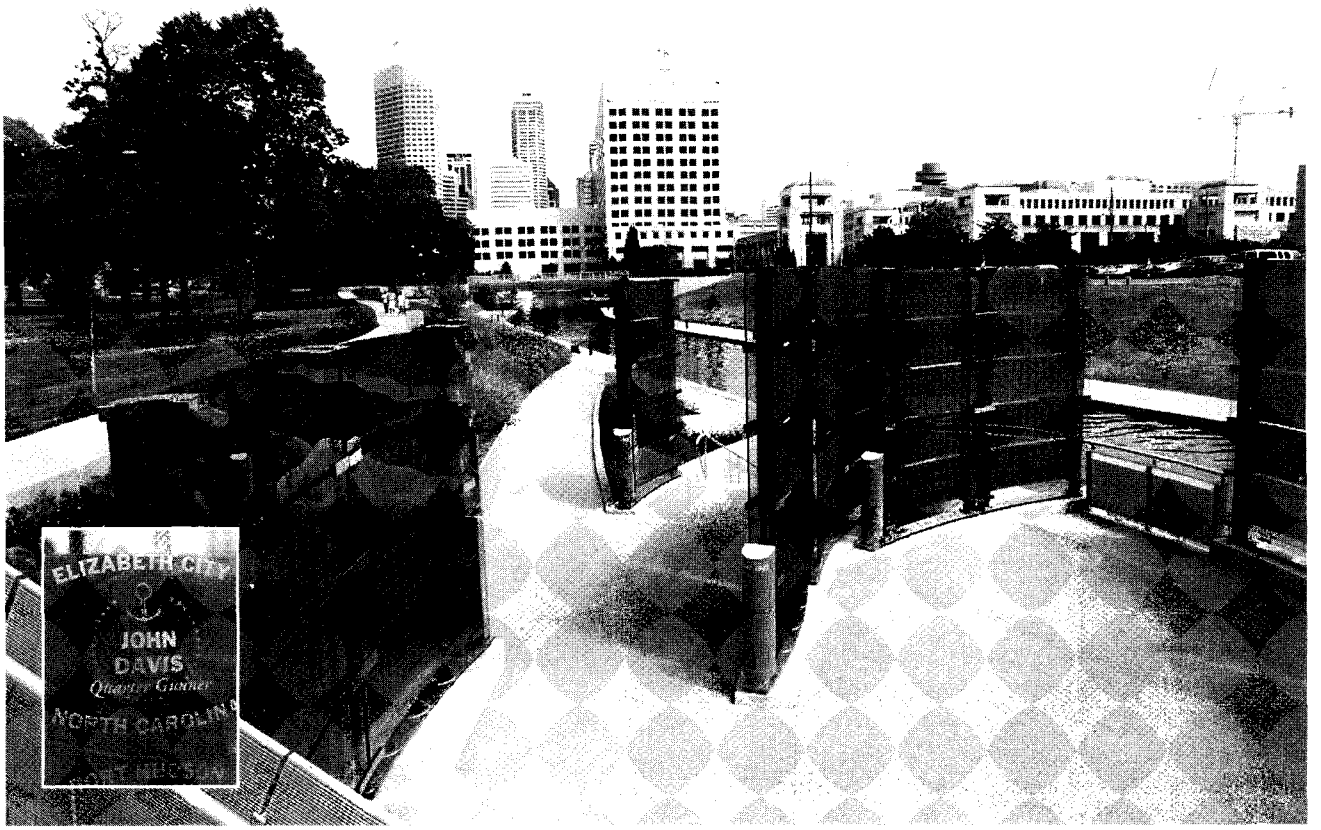

➤ *(Above) the memorial for Congressional Medal of Honor winners, in Indianapolis. (Inset) an example of the individual glass panels.*

identifying stripes on the Allied aircraft which supported the invasion.

• In Indianapolis, construction of a magnificent Soldiers' and Sailors' Monument a century ago inspired the development of a nearby monumental precinct, which includes an Indiana War Memorial modeled on the Mausoleum of Halicarnassus, as well as parks, gardens, and plazas decorated with impressive fountains and sculpture. Somewhere along the way, however, Indianapolis lost its nerve. The city's latest war memorial, a tribute to Congressional Medal of Honor recipients, is not so much a work of civic art as a high-tech modernist contraption. The Medal of Honor Memorial consists mainly of an irregular arrangement of twenty-seven curved walls of blue-green glass alongside a park canal in downtown Indianapolis. Opaque rear panels bear seemingly random streaks and swirls in low relief, abstractly representing, according to the architects, influences on the heroes' lives.

• In Richmond, California, we have a new memorial to the women who worked as welders and shipfitters during World War II. One obvious idea for such a memorial would be a statue that takes its formal cues from Norman Rockwell's famous *Saturday Evening Post* cover of "Rosie the Riveter." But the California memorial instead consists mainly of an abstract steel sculpture with a few ladder-like elements that serve as frames for documentary material. Intended to recall the unfinished frame of a Liberty ship, the memorial looks like a jungle-gym designed by Alexander Calder.

A look at Washington's monumental core reveals the same confusion of tongues. Consider the Vietnam Veterans' Memorial. On the one hand, we have Maya Lin's completely abstract, chevron-shaped, black granite wall wedged into the landscape and inscribed with the names of the dead and missing. Impressive only in its conceptual simplicity, Lin's design is anything but heroic. On the other hand, we have Frederick Hart's subdued sculpture of three soldiers peering warily into the distance. They are placed so as to appear to be looking at the names of the dead and missing on the wall, though it is doubtful one visitor in ten will make that connection unless tipped off by a guide. These two components of the memorial reflect nothing except incompatible notions of what art is.

A similar confusion haunts the new Franklin Delano Roosevelt Memorial, which threads its way through an arboreal landscape in West Potomac Park between the Tidal Basin and the Potomac. Extending over more than seven acres, the memorial consists mainly of four large enclosures corresponding to Roosevelt's terms in office. Its massive walls of brownish quarry-faced granite suggest—bewilderingly—some sort of primordial ruin.

The walls bear quotations chosen according to their familiarity ("The only thing we have to fear is fear itself") or political correctness ("I hate war"). Waterfalls and cascades run over or through the walls, while trees, shrubs, vines, and turf provide insuffi-

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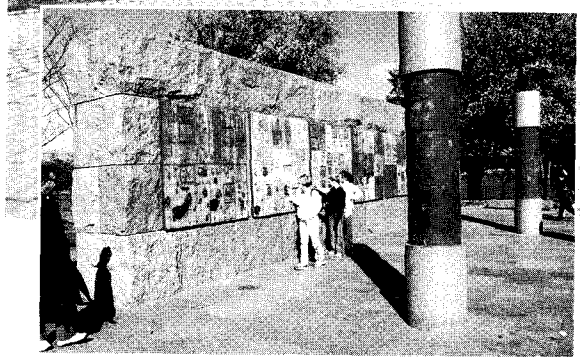

➤*(Above) the two parts of the Vietnam Veterans' Memorial. (Left) the Roosevelt Memorial's "Social Programs Panels and Columns."*

cient relief from the monotony of the granite walls and pavement.

The memorial also includes a smorgasbord of low-quality figurative bronze sculpture—the major effect of which is not to improve things but to make the confusion worse. George Segal's dejected Depression figures are sculptural zombies, bronze casts of molds taken from live models wrapped in plaster-impregnated fabric. Neil Estern's statue of Roosevelt is a case study in pathologically rigorous naturalism. Estern has managed to make his Roosevelt look old, sick, tired, and ugly—his expressionless face too fat, his front teeth protruding, and the sacks under his eyes painstakingly rendered.

Unveiled only last month, Robert Graham's statue of Roosevelt in the wheelchair he designed for himself is a belated addition to the memorial. Situated in another large enclosure that serves as a sort of forecourt, the statue is vastly and deliberately diminished by its setting. Graham has preferred to cut the president down to size rather than make him larger than life. Though sporting the familiar fedora, his Roosevelt looks as though he had not fully emerged from the clay when the sculpture was cast. His face is incompletely articulated; his hands and clothes even more so. The curious configuration of his mouth and the opaque lenses of his pince-nez give him a vague, blank expression.

The memorial's architect, Lawrence Halprin, obviously did not intend this statue, or any other, to have a monumental effect. No respectful distances here; not a pedestal is to be found. The intention, rather, has been to secure an easy, playful familiarity with the artwork, in stark contrast to French's statue in the Lincoln Memorial at one end of Washington's Mall and Shrady's tremendous sculptural tribute to Grant at the other end. And yet, it must be noted that Halprin *has* sought in his Roosevelt memorial to convey monumentality with his primitive, Cyclopean walls and his waterfalls (though they prove too inartistic to have the emotional impact their designer clearly wanted).

This confusion—this anti-monumental monumentalism—is the overwhelming feature of memorial architecture today, and it is ruining America's public spaces. Modernism failed, in large part, because it could not satisfy our need for monuments: To be a human being—occasionally heroic, but always temporal, mortal, and forgetful—is to desire the monuments that modernism could not provide. But this failure, after decades of sterile experimentation with "pure" abstract forms, has not yet led us back to the coherent architectural vocabulary modernism set out to destroy.

So we are left with babble. Every memorial and public building seems to be at odds with every other, and time and again one finds architects trying to duck the problem of monumentality by hiding their memorials—sinking them below grade, snuggling them into the landscape, scattering them across public spaces without providing anything in the way of vertical integration and focus, masking them with trees. It is as though these monuments were embarrassed to be what they are. But, even hidden away, the resulting monuments do not succeed, for they turn out to be at war with themselves.

The new Oklahoma City National Memorial, dedicated by President Bush last week, testifies to our narrow horizons. This three-acre landscape memorial, erected at the site of the bombed Alfred P. Murrah Federal Building, consists of two large, flat, rectilinear portals clad in bronze panels. The portals are respectively inscribed 9:01 and 9:03 with digital-watch-style numerals. They serve as a conceptual time-frame for the moment of the infamous bombing, which

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occurred at 9:02 in the morning. A long, shallow reflecting pool lined with black granite extends between the portals.

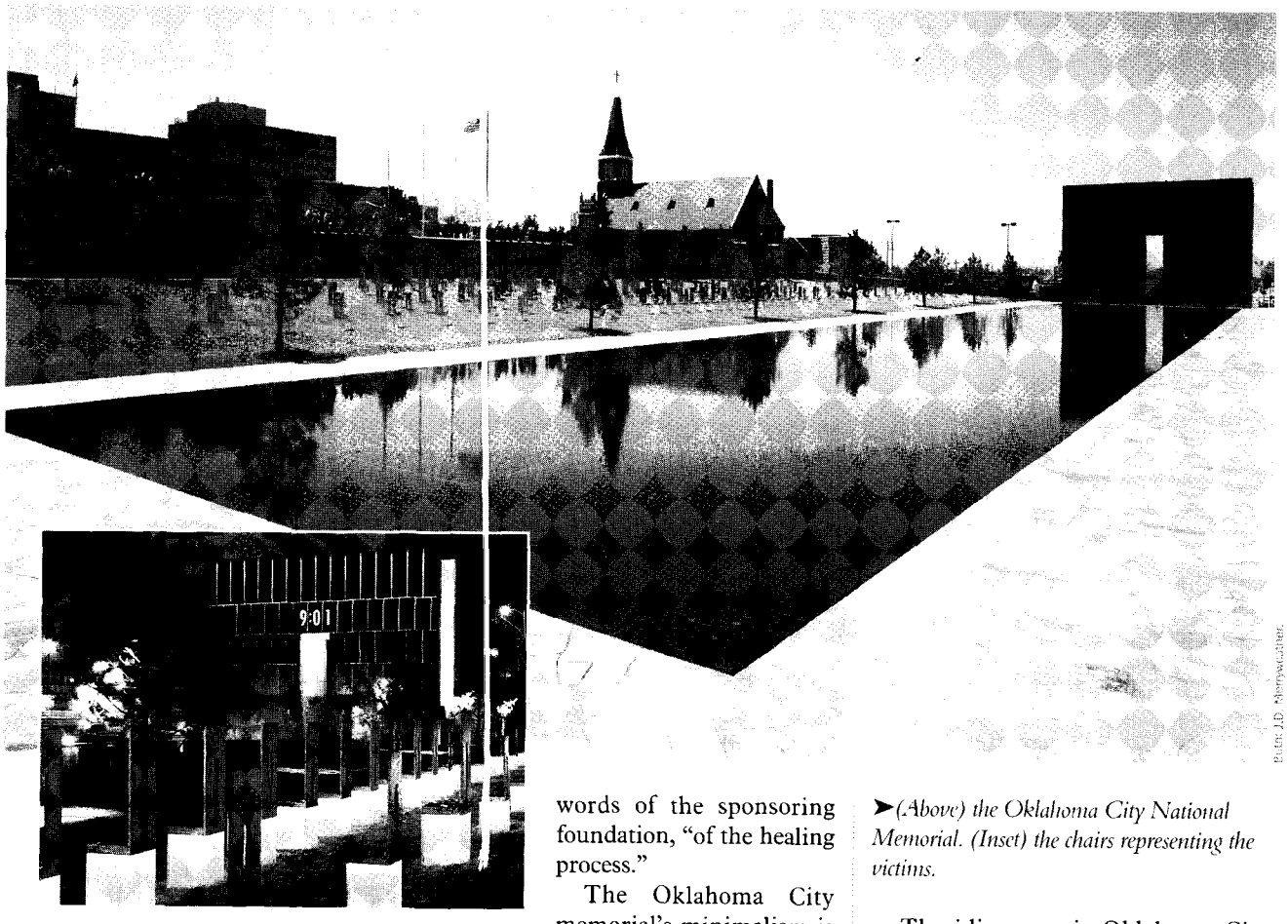
One hundred sixty-eight chairs occupy the footprint of the Murrah Building. They have rectilinear bronze backs whose rectilinear voids echo the portals. The chairs are arranged in rows of irregular length, with each row corresponding to the victims on each floor of the building. Nineteen smaller chairs in the second row recall the children killed in the building's day-care center. The seats of the chairs are mounted on glass bases, resembling blocks of ice, with the names of the victims etched on the chairs' bases.

Near one of the portals, a ravaged remnant of the Murrah Building's walls bears panels of salvaged granite inscribed with the names of survivors of the bombing. Alongside the nearby *Journal-Record* building, the "Survivors' Tree," an American elm that was scorched but not destroyed in the explosion, stands in a small plaza. Black bricks filling windows and a broken fire-escape ladder on the newspaper building serve as reminders. Segments of the original chain-link fence surrounding the compound invite the posting of Teddy bears, tee-shirts, messages, and flowers, as they have since the bombing's aftermath. Such mementos also are left on the chairs. Finally, a special children's enclave in the "Rescuers' Orchard" contains chalkboards in the pavement where youngsters can express their feelings—"an important component," in the words of the sponsoring foundation, "of the healing process."

The Oklahoma City memorial's minimalism is grounded in sentimental notions of therapy, nothing more. Why have we lost the capacity to build monuments that aspire to relate human suffering to a larger sense of life? To use figurative symbols to evoke the juncture of mortal life and eternity?

Take a look at Gettysburg Battlefield, whose classical landscape is studded with equestrian bronzes and other statues, as well as obelisks, exedras bearing sculpture and inscriptions, the great domed pavilion of the Pennsylvania Memorial, and a multitude of regimental monuments closely akin to cemetery memorials or gravestones.

Its profusion of monuments and workers not withstanding, the Gettysburg landscape has a general artistic unity—and the key to its emotional impact is found precisely in this unity. The landscape forms part of the classical world that has persisted in the Western imagination for thousands of years.



➤*(Above) the Oklahoma City National Memorial. (Inset) the chairs representing the victims.*

The idiosyncratic Oklahoma City park, in contrast, is as time-bound as its time-framed pool. Like Lin's wall, it is a zeitgeist memorial, a monument *du jour*, which stakes no claim on the future for the sorrows and achievements of the past.

The emotional reductionism of our new memorials is further reflected in their sentimental emphasis on tactile

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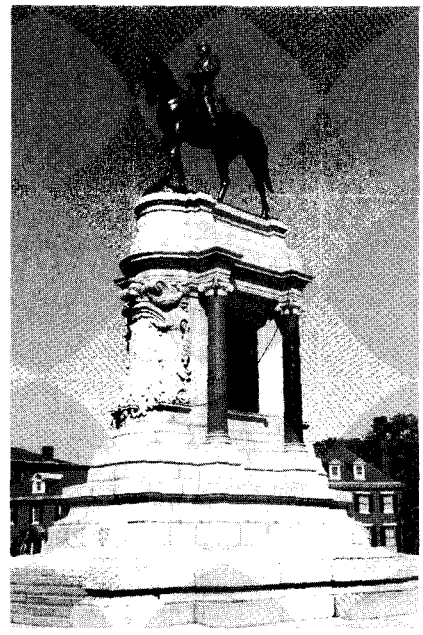

Courtesy Indiana War Memorial

➤*(Above) Soldiers' National Monument at Gettysburg. (Top Right) Robert E. Lee Monument in Richmond. (Bottom Right) Soldiers' and Sailors' Monument in Indianapolis. (Opposite Page) Raymond Kaskey's "Portlandia" statue outside the postmodern Portland Building.*

response. A visitor to the Roosevelt Memorial is invited to run his fingers along the bloated Braille dots and the hand imprints adorning Robert Graham's utterly bizarre *Social Programs Panels and Columns*. The kiddies get to tug on the ears of the statue of Fala, the president's dog.

Lin's wall and the walls at Indianapolis's Medal of Honor Memorial similarly invite us to reach out and touch someone, whether the names inscribed on them or our own reflected selves. At Oklahoma City, people leave ephemeral hand-prints on the portals' blank bronze panels.

Similarly, the spatial diffusion of recent monuments reflects our conceptual confusion. A case in point is the D-Day Memorial in Virginia, with its clunky canvas-covered pavilions suggesting tents, its board-formed concrete walls suggesting German bunkers, its hyper-realistic (and, fortunately, dynamic) sculptures of American troops dispersed within a huge plaza in which the unfettered realism becomes preposterous.

Meanwhile, symbol gives way to documentation and "education." Lamentably, the success of the United States Holocaust Memorial Museum in Washington—where the main attraction is a multi-media, documentary chamber of horrors—has encouraged the inclusion of "education centers" in memorial projects from coast to coast.

Not surprisingly, contemporary memorials—to say nothing of contemporary public buildings—often seem trivial when juxtaposed to traditional

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works. In Richmond, for example, there was a furor a few years back when a sculpture of Arthur Ashe, a native son, was erected on Monument Avenue, whose civic art had been exclusively devoted to the paladins of the Confederacy. The debate focused mostly on the historical and thematic appropriateness of the Ashe Memorial's location, though it occupies a minor site on the avenue and is modestly scaled.

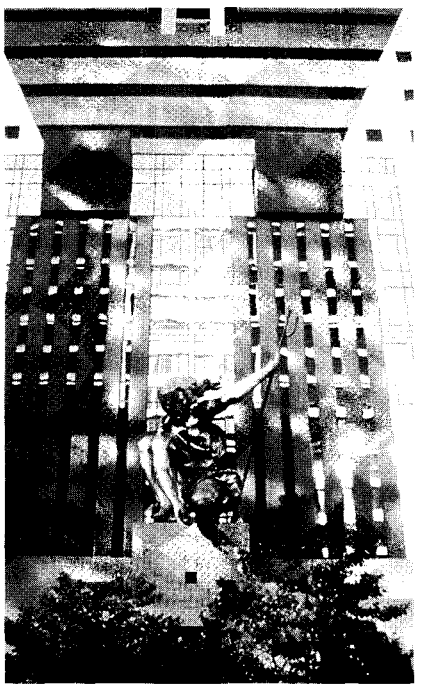
But the real problem is the sculpture itself, and its failure to rise to the level of the nearby works, which include a fine memorial to Jefferson Davis and truly brilliant equestrians of Robert E. Lee and J.E.B. Stuart. Ashe is perched with a group of children on a poorly-designed cylindrical pedestal crowned, strangely, by a metal rail. Dressed in a warm-up suit, the bespectacled Ashe (he would look better without glasses) holds up a tennis racket in one hand and a pair of books in the other as the youngsters reach up to him. The figures are too naturalistic and too leaden in their gestures. Utterly devoid of the gravitas of the nearby memorials, this composition might do nicely for a UNICEF card.

Elsewhere, identity politics have been injected into civic art with far more absurd results. A visit to the Roosevelt Memorial is less a rendezvous with destiny than a rendezvous with disability.

The original design for the memorial hardly suppressed evidence of the president's affliction: Estern's Roosevelt is shown with a bony knee jutting out—a clear reference to his polio—while tell-tale casters are visible on the back of his chair. A time-line inscribed on the risers in a series of steps towards the end of the memorial notes that after being stricken with the disease in 1921, Roosevelt never again walked unaided. Moreover, a replica of his wheelchair was fabricated for display in the visitors' center-cum-souvenir shop facing the enclosure where Robert Graham's statue of Roosevelt in his wheelchair now resides.

But all this wasn't enough for the National Organization on Disability, which prevailed upon Congress and President Clinton to mandate the addition of Graham's statue.

There are some signs of intelligent life in American monumental design, however. Raymond Kaskey, for instance, garnered national attention during the 1980s with his beautiful *Portlandia* statue, which adorns Michael Graves's curious postmodern Portland Building. Now the sculptural decoration of the World War II Memorial has been entrusted to Kaskey. So far, he has produced an elaborate decorative composition for the interiors of the two pavilions. These bronze sculptures will include columns in each cor-



ner of the pavilions, on which eagles will be perched. A great wreath will be suspended from ribbons the eagles clutch in their beaks. Kaskey has also been assigned the task of producing twenty-four bronze relief panels for the walls on each side of the grass terraces and stairways leading down to the sunken plaza from Seventeenth Street.

And yet, before Kaskey's talents can best be put to use, St. Florian and his sponsors at the American Battlefield Monuments Commission must take a bold but indispensable step: Scrap the ersatz-classicism. Scrap the see-through pillars. Scrap the pseudo-gestures toward the great tradition that our recent memorials habitually denigrate. Then put Kaskey in charge of an expanded sculptural program involving other studios as well as his own. Take Gettysburg as a model—where idealized figures of Victory and Peace have their realistic counterparts in the countless figures of soldiers.

The preliminary scheme produced by a group of young competition-winning architects for the Millennium Monument, though infinitely preferable to the World War II Memorial design, similarly reveals the need to give sculpture a larger role. The Atlas figures at the foot of the arch's piers are a good start. But the spandrels are stark naked. The Soldiers' and Sailors' Memorial Arch in Brooklyn clearly illustrates figure sculpture's crucial contribution to a great triumphal arch.

So, too, it is not too late to improve the design of the World War II Memorial. It is not too late, for instance, to do away with the minimalist panoply of golden stars tacked onto the exedra wall abutting the Reflecting Pool and to rethink the exedra's artistic treatment. It is not too late to enrich the pavilions' threadbare architecture in a manner befitting Kaskey's decorative scheme. Then the pavilions could stand proudly, with no need for a screen of trees enveloping the memorial at its north and south ends.

With the clutter of the pillars eliminated, moreover, sculpture could assume its rightful, central role, with the eight massive stone cheekblocks on the memorial plaza's perimeter serving as pedestals. Nowhere is the memorial more in need of animating figures than at the Rainbow Pool itself. The American Battle Monuments Commission is being pressured to settle for a torchlight or water-jet or some similarly minimal gesture in the pool, to minimize impact on the Mall's central axis. If the commission takes that route, the memorial will be little more than a picture frame for the Lincoln Memorial. Given World War II's place in American history, that would be a travesty.

President Bush could make an important contribution to the resur-

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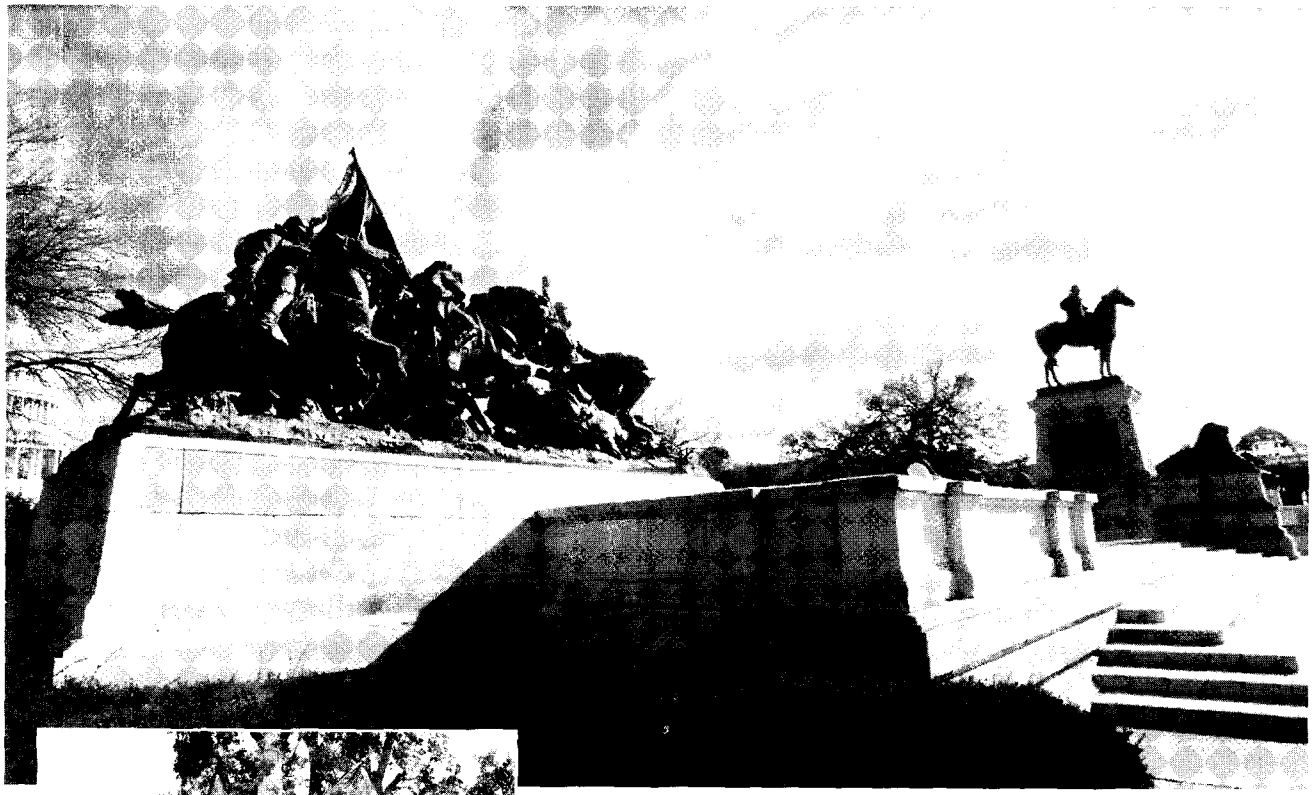
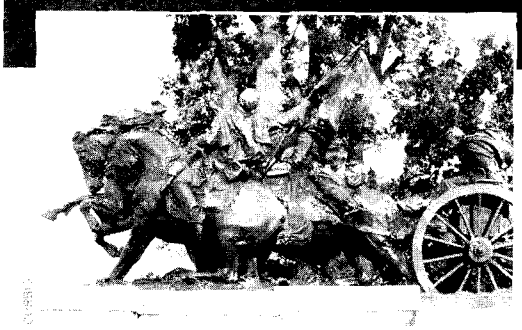
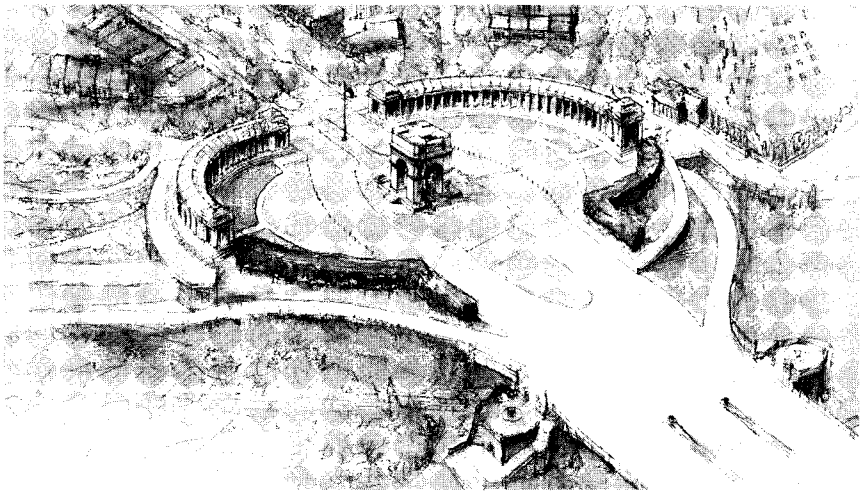




➤*(Above) the Grant Memorial at the foot of Capitol Hill. (Inset) a detail of a cavalry group. (Left Below) a sketch of the setting for the proposed Millennium Monument in Washington.*

gence of monumentality in American design. Two initial, high-profile gestures of respect towards America's classical heritage come to mind. The first would be to put an end to a frontal assault on L'Enfant's plan for Washington by opening up the 1600 block of Pennsylvania Avenue, which President Clinton closed in the wake of the Murrah bombing. The second would be to do away with perverse new designs that have stripped our paper currency of symmetry and ornamental detail. Such artistic vandalism has made the bills less distinctive, less legible, and far less beautiful.

The next step would be to deep-six the Guidelines for Federal Architecture, which Daniel Patrick Moynihan drew up during the Kennedy administration and which serve as holy writ for the General Service Administration's Public Buildings Service. These guidelines warn against "development of an official style" and insist that "design must flow from the architectural profession to the government and not vice-versa." They call for architecture that reflects "the dignity, enterprise, vigor, and stability of the American government"—which is to say, a monumental architecture—while making it a practical impossibility. They ignore the fact that America's monumental public buildings are, in their overwhelming majority, classical; they also ignore the fact that the historical relativism in which the American architectural establishment is swamped is anything but conducive to monumental design. All these guidelines have done, in fact, is open the gates to a succession of stylistic fads.



The reorientation of federal architectural patronage should begin with our memorials. Monumentality is far from dead, because human beings will always crave it. Our newer memorials, in all too many cases, represent the legacy of a failed crusade against human nature. American culture offers plenty of opportunities for the depiction of the transient aspects of contemporary life. In designing our monuments, however, we can assert the *universal*. We can assert that the past has a claim not just on us, but on the future. ♦

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Snap, Crackle, Popper

What is living and what is dead in the philosophy of Karl Popper. BY AUSTIN W. BRAMWELL

The late philosopher of science Karl Popper at least deserves praise for the enemies he made. A Jewish Viennese who fled Austria in the years before the German *Anschluss*, Popper spent much of his career attacking Marxists, positivists, Freudians, and totalitarians. In turn, many on the right have attempted to place him in the pantheon of leading twentieth-century conservatives. Now comes a book-length biography—*Karl Popper–The Formative Years*, by Duke historian Malachi Hacohen—that argues the philosopher was not a right-wing cold warrior, but a lion of the socialist left.

Karl Popper
The Formative Years, 1902-1945: Politics and Philosophy in Interwar Vienna
by Malachi Haim Hacohen
Cambridge Univ. Press, 664 pp., $54.95

The more conventional view holds that Popper practically defined the postwar anti-Communist consensus through his most famous work, *The Open Society and Its Enemies*. The 1945 book argued that the real conflict in the West was not between fascism and communism, but liberal democracy and totalitarianism. Most commentators inferred this to mean fighting not only fascism but the Soviet Union and its allies.

According to Hacohen, however, *The Open Society* stands for socialist reform, not free-market democracy. Popper, he writes, opposed communism only because he felt faith in the Marxist "grand narrative" was impeding socialism's progress. In other words, Popper, though disgruntled, did not really mean to abandon plans for the radical reconstruction of society. This thesis is certainly bold, and probably overstated. Nevertheless, conservatives will do well to pay attention to it, for it will surely quiet their enthusiasm for a thinker whose conclusions are quite inimical to conservative principles.

Austin W. Bramwell is a first-year student at Harvard University law school.

Popper's thought should be considered in light of its heady *milieu*, 1920s and '30s Vienna. While studying for his doctorate, Popper joined the inner *Kreis* of the early logical positivists, led by Moritz Schlick and Rudolf Carnap. These thinkers sought nothing less than to upend the entire tradition of Western philosophy. All inquiry into philosophic problems, they asserted, from the nature of reality to the essentials of the good life, is no more meaningful than the sentence "Blah blah blah squabam." Accordingly, they derided notions such as God, justice, and morality as nothing but vacuous "metaphysics," and regarded only mathematics, logic, and the physical sciences as legitimate disciplines.

Enter Karl Popper. Like the positivists, he wanted to distinguish science from non-science. Unlike the positivists, he did not think that science had to be empirically verifiable; on the contrary, he thought it was logically *impossible* to verify a scientific theory. What makes a theory scientific, in his view, was not that it could be confirmed, but that it could, in principle, be *dis*confirmed. For example, all it would take to overturn the theory of gravity would be to observe a single body which did not exert a gravitational force on some other body. Because, Popper reasoned, the theory of gravity is vulnerable to disproof by empirical evidence, it qualified as science.

Armed with such logical weaponry, Popper went on to demolish the pretensions of Freudian and Marxist pseudo-science. If, according to Marx, workers organized against their employers, then workers were advancing the class struggle; if, on the other hand, they failed to organize against their employers, then the employers were suppressing the class struggle. If, according to Freud, a man doted on his mother, it was because he desired to have sex with her; if, on the other hand, he reviled his mother, it was because he was repressing his desire to have sex with her. Marx and Freud, in other words, explained mutually exclusive phenomena with exactly the same hypothesis. As Popper pointed out, the deep explanatory power of Marxism and Freudianism turns out to be their fatal defect.

Thus far, Popper gives conservatives cause to cheer. Hacohen, however, an avowed man of the left, does not miss the revolutionary character of his subject's ideas. Although Popper found himself in heated disagreement with his positivist contemporaries, he shared their disdain towards all disciplines not counted among the "pure sciences," such as theology, politics, and ethics. To be sure, he did not dismiss all these disciplines as literally meaningless, and was even willing to admit that they at least had what he called "esthetic" value. No religious person, however, would ever call his faith an "esthetic" preference, and Popper's superficially gracious attitude towards religion fails to mask his profound condescension.

Ironically, if ever there were a time when serious political, religious, and ethical inquiry were needed, it was the very decades in which the positivists were deriding such fields as "metaphysics." Just as Hitler and Stalin were pursuing their totalitarian visions with untold bloodshed, the positivists were hypothesizing that sentences such as "Mass murder is bad" merely expressed emotional caprice, and could not be construed as true or false. The positivists' supercilious response to human atrocities deserves to go down as one of the most shameful scandals in intellectual history.

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To Popper's credit, he did attempt a serious foray into the realm of political and ethical debate: *The Open Society and Its Enemies*. In it, he attacked totalitarianism in all of its varieties, whether Communist or fascist, and the thinkers Popper regarded as its intellectual forebears, Plato, Hegel, and Marx. Nevertheless, Hacohen argues, this does not mean that *The Open Society* rejects political radicalism altogether. On the contrary, he argues, Popper's book defends radicalism, albeit on non-Marxist grounds.

As Hacohen correctly argues, *The Open Society* grafts Popper's philosophy of science onto the study of politics. Because, according to Popper, no theory can ever be verified, scientists must be open to any and all conjectures, just so long as they meet the requirement of disconfirmability. If this is true in the realm of science, it is all the more true in the realm of politics. Politics should be a science experiment *writ large*, in which moral and political truth (if there is such a thing) is pursued through an ongoing process of testing and experimentation. As Popper puts it, society is a "metaphysical research program," which social planners should manipulate as they see fit.

In rejecting the standard interpretation of *The Open Society* as a defense of liberal democracy, however, Hacohen rebukes not only the philosopher's conservative admirers, but also the philosopher himself. Karl Popper explicitly endorsed the received view that *The Open Society* both defends Western liberal democracy and attacks Soviet communism. Indeed, after corresponding with F.A. Hayek in 1943-44 and reading *The Road to Serfdom*, Popper confessed—before *The Open Society* had even been published—that Hayek had shown even more clearly than he could himself that "socialism itself leads directly to totalitarianism." One can hardly call this a ringing endorsement of progressive social planning.

Hacohen also errs in insisting on Popper's continued intellectual relevance. Since the 1970s, American leftists, having canonized the sententious writings of Jacques Derrida, have made a habit of dismissing the very idea of rational inquiry. Rightly critical of this "postmodernist" and "poststructuralist" drift, Hacohen hopes that Popper's thought can resuscitate the left's faith in reason. Such blind optimism leads Hacohen to argue (ridiculously) that Popper's rationalism need not alienate those who make their careers arguing that all interpretation is arbitrary.

Nor would intellectuals who might celebrate Popper have anything nice to say about the postmodernist crowd. Popper spent his career among thinkers who had nothing but contempt for the sort of "continental" philosophy that, in the philosopher's own words, is more "oracular" than philosophical. His own stringent logic would surely have us reject the counterfactual possibility that he could be construed as having anything to *say* to the likes of Jacques Derrida.

Cambridge University Press

Karl Popper

Even apart from these failures, Hacohen's book is disappointing. While it is generous with intellectual history, it is outright stingy with biography. Hacohen rarely tries to uncover Popper's ambitions, loves, hates, religious sentiments, or sexual attractions. His treatment of Popper's marriage to Josephine Henninger, for example, takes up all of three pages of this six-hundred page opus. Worse, Hacohen fails to address the questions that continue to perplex Popper's students. How could a man devoted to the "open society" have been, as Popper reportedly was, dogmatic and overweening in his personal life? What actually happened in the heated 1946 exchange between Popper and Wittgenstein? Did Popper really vanquish the man whom many regard as the greatest philosopher of the twentieth century? How did Popper's exile from Austria affect him personally and philosophically?

The reader is instead treated to recitations of the main ideas of every intellectual movement to tread across early twentieth-century Vienna. Even this approach would have had some merit had Hacohen carefully examined Popper's philosophy, defended its central tenets while qualifying its errors, and responded to its critics. But Hacohen hasn't done any of these things. That *The Open Society*, which attacks Plato, Marx, and Hegel, has only been derided by those philosophers' scholars isn't even mentioned. That Popper's falsifiability criterion has almost no adherents left among philosophers of science also goes without notice.

And yet, Popper's political formulations have become *the* public philosophy of American liberalism. Premised on radical moral skepticism, it endorses an absolute moral tolerance as the chief political virtue. Of course, its very claim to openness is spurious. If a society adopts a stance of absolute moral skepticism, as Popper asserts that it ought, then it cannot tolerate any orthodoxy which would threaten this skepticism. Thus, in practice, the open society that Popper envisions is one of the least tolerant of regimes. Liberals in America, for example, have all but banned religion from the public schools in the name of keeping all "private" creeds out of the public square.

Furthermore, the open society does not produce the convergence of belief Popper envisioned. Any regime that exalts tolerance above all other virtues will end up valorizing its villains. In America, Larry Flynt is now as prominent a public voice as Daniel Patrick Moynihan. Indeed, Flynt earned a standing ovation from hundreds of students when he spoke at Yale last February—surely more plaudits than Moynihan himself would receive.

One might forgive Popper for these errors on the grounds that he never

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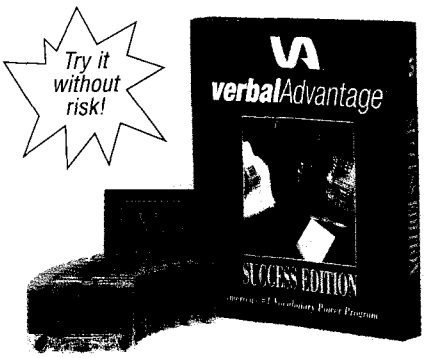

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claimed political theory as his bailiwick. Unfortunately, however, these errors stem directly from the flaws in his philosophy of science. Nobody could possibly accept, even provisionally, Popper's contention that no hypothesis has any more chance of being true than any other. We believe, for example, the hypothesis that "arsenic is poisonous" as well as the hypothesis that "bread is nourishing." According to Popper, however, we have no reason to think that tomorrow bread will not poison and arsenic will not nourish. If we were to live according to Popper's own view of what is rationally acceptable, we would be taking an enormous risk to our lives every time we consumed a slice of bread and refused a draft of arsenic.

Moreover, all rational inquirers know this, at least on some level. No scholarly community is an all-questions-are-open-questions society; on the contrary, every scholarly community regulates what can be said and under what circumstances. Physicists, for example, do not waste their time considering every crackpot theory of relativity that some layman sends in by mail, nor do historians worry much about Holocaust deniers, nor theologians about the blizzard of pseudo-spiritual self-help books published every year. If, for some strange reason, intellectual communities were *forced* to regard all questions as open questions, the process of discovery would grind to a halt. And yet this is exactly what Popper's philosophy demands.

Given these errors in Popper's philosophy of science, it is unsurprising that Popper should turn out to be a liberal in politics. The social parallel of a scientific community that accepted all conjectures as equally valid is a human community that disdains believers and what they believe in, one that has no patience for the pursuit of political and moral truth.

The important question in Popper scholarship, in the end, is whether Popper was a liberal because he was a bad philosopher of science, or whether he was a bad philosopher of science because he was a liberal. That, however, is a problem for another time. ♦

An American Poet

James Weldon Johnson deserves to be rediscovered.

BY RICHARD KOSTELANETZ

The business of reviving writers from the past reflects the fashions of the present—which means that a neglected author who doesn't fit our current fashions is probably going to stay neglected, no matter how good he happens to have been.

A case in point is James Weldon Johnson (1871-1938). In the midst of our massive, ongoing revival of African-American literature, the recognition of Johnson has been tardy and insufficient. Few figures in the history of American arts did so much memorable work in so many areas. As a social historian, he wrote the impressionistic history *Black Manhattan* (1930). As an anthologist, he edited and extensively introduced selections of African-American spirituals and poetry. As a lyricist, he collaborated with his brother Rosamond around the turn of the last century, writing, most famously, "under the bamboo tree," which T.S. Eliot memorably appropriated.

Complete Poems
by James Weldon Johnson
edited by Sondra Kathryn Wilson
Penguin, 352 pp., $14

Along This Way
The Autobiography of James Weldon Johnson
by James Weldon Johnson
Da Capo, 448 pp., $16

Lift Every Voice and Sing
A Celebration of the Negro National Anthem: 100 Years, 100 Voices
edited by Julian Bond and Sondra Kathryn Wilson
Random House, 256 pp., $29.95

Johnson also wrote an ingeniously subtle novel, *The Autobiography of an Ex-Colored Man* (1912), creating a persuasive narrator quite different from himself. Initially published anonymously, this short novel has been reprinted several times (most recently by Penguin as a "Twentieth-Century Classic"). At other times, Johnson was an elementary school teacher, a high-school principal, a lawyer, a diplomat in Latin America, an officer of the NAACP, the founder of a weekly newspaper, a co-founder of ASCAP, an effective lobbyist for anti-lynching laws, and a college professor. At New York University in 1934, he taught the first course in "Negro literature" at a white school. The closest parallel to him in American literature as a poet-bureaucrat has been Archibald MacLeish.

Less visibly, Johnson wrote poetry that has recently been collected for the first time, finally. *Complete Poems* includes Johnson's exhortatory classic "Lift Every Voice and Sing," a poem widely known as the Negro National Anthem. This poem is also the subject of a new coffee table book in which various celebrities spout familiar homilies (some of which, like Al Gore's, incidentally reveal that their authors may not have read the poem). *Complete Poems* also includes "God's Trombones," which attempts to reproduce in standard English the genius of African-American sacred oratory. The poem is perhaps best remembered for the line: *Your arm's too short to box with God.*

Scarcely familiar with all of Johnson's poetry before, I was surprised to discover "My City," a sonnet that concludes with classic lines that should go onto the poetry placards currently displayed in New York's subway cars:

The author of Politics in the African-American Novel, *Richard Kostelanetz has recently collected his literary essays,* Person of Letters in the Contemporary World.

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But, ah! Manhattan's sighs and sounds, her smells,
Her crowds, her throbbing force, the thrill that comes
From being of her a part, her subtle spells,
Her shining towers, her avenues, her slums—
O God! The stark, unutterable pity,
To be dead, and never again behold my city.

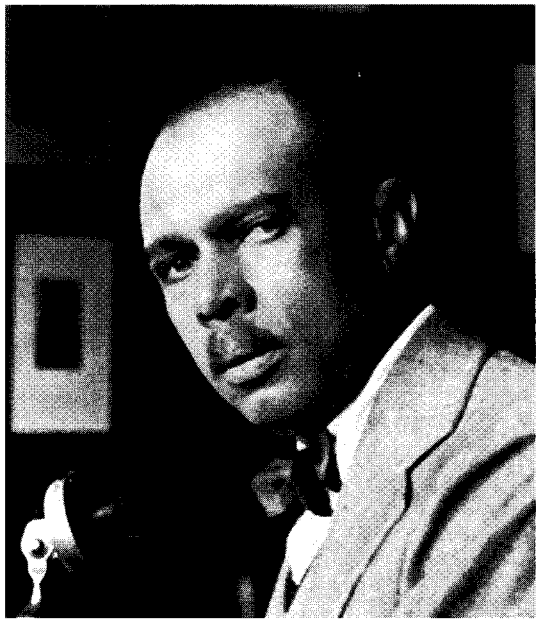
Another strong sonnet, "Blessed Sleep," opens:

Blessed sleep, kindest minister to man,
Sure and silent distiller of the balm of rest,
Having alone the power, when naught else can,
To soothe the torn and sorrow-ridden breast.

A third, "Beauty Never Old," closes:

The world, for me,
And all the world can hold
Is circled by your arms;
For me there lies
Within the lighted shadows of your eyes
The only beauty that is never old.

Influenced by poetry fashionable during his college years, Johnson did much of his best work in its traditions, remembering poetic models that, unfashionable for a while, some find increasingly viable today. Notwithstanding his other activities, he was always a serious poet. (It was probably for poetic advantage that, after the publication of his first book of poems, he changed his middle name from William to Weldon.)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Complete Poems includes, by contrast, two poems with long, unrhymed lines: "Vashti" and "The Rivals," the latter a longish narrative poem in African-American dialect, reflecting the influence (and perhaps the temporary literary success) of Johnson's near contemporary, Paul Laurence Dunbar. "Vashti" is, to my senses, a failure, while "The Rivals," eccentric even by today's standards, is either a masterpiece or a mistake. (Incidentally, one deficiency of this *Complete Poems*, probably to be rectified in a later edition, is the absence of the dates for individual works that would help to interpret these works.)

Johnson's most familiar literary masterpiece remains *The Autobiography of an Ex-Colored Man*, a successful early example of an ironic narrator whose first-person story is so rich it seems more true than fictional. The model was not Johnson himself, whose skin was dark, but a close friend and sometime law partner who married a white woman and, fair-skinned, did indeed pass over into the white world. Letting his wife know his racial heritage, he keeps it a secret from his children. Though the narrator is socially successful, he concludes, "I cannot repress the thought that, after all, I have chosen the lesser part, that I have sold my birthright for a mess of pottage." The recent posthumous revelations about the prominent New York literary figure Anatole Broyard, who grew up black in Brooklyn, show that "passing for white" is not a dead topic. But it is with his literary model of a persuasive yet ironic first-person narrator that Johnson's real success lies. A similar autobiographical narrator, likewise nameless, appears in Ralph Ellison's *Invisible Man* (1952), by common consent the greatest of African-American novels.

Because Johnson achieved a level of professional freedom rare for anyone black or white, he didn't fit the categories into which African-American writers have been put, and alas still are. He wasn't particularly angry, he was never poor, and he wasn't orphaned or female. Usually employed as a bureaucrat, he wrote in his spare time. Worse, he was well-educated and excelled at more than one genre. His authentic autobiography, *Along This Way* (1933), is an American success story. Lamentably, the sole biography, Eugene Levy's *James Weldon Johnson: Black Leader, Black Voice* (1973), concentrates on his administrative activities, to the neglect of intelligence about his literary work. The fact that no biography of Johnson has appeared since is another index of unfortunate neglect.

James Weldon Johnson stands in starkest contrast to W.E.B. Du Bois, much as Richard Wright and Ralph Ellison were antipodes in a later generation. Where Du Bois and Wright, in their novels, were susceptible to blinding fantasies and ideologies, Johnson and Ellison closely observed realities. Du Bois and Wright were isolated from African-American communities (Du Bois indicatively dying in Ghana, Wright in Paris), while Johnson and Ellison lived among their people. Du Bois and Wright were immature, flat-footed artists, each depending upon a kind of internal determination to overcome limitations, while the work of Johnson and Ellison reflects artistic mastery of various arts. (Interestingly, Fanny McConnell, who married Ralph Ellison in 1946, had a decade before typed *Along This Way* for Johnson.)

Indeed, the differences between Johnson and Du Bois are so profound and so important that every time I read about something African-American named after Du Bois—an academic institute, or a university chair—I wince and lament that it wasn't named after Johnson instead. It may be necessary to change all our current intellectual fashions in America before we can accurately winnow the superior from the inferior among the neglected writers of the past. But at least we can be certain any fashion that neglects James Weldon Johnson deserves to be rejected. ♦

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The New York Times

Parody

Dale Earnhardt, White Male, Dead at 49

By JANICE FLAMEY

Millions of Americans were confused Monday when they turned on their televisions and found much coverage devoted to the death of one Dale Earnhardt. While few people had heard of Mr. Earnhardt before his passing, he was in fact a leading figure in the stock car racing community. For members of this subculture, his demise is a stunning blow. His death provoked the sort of mourning that would afflict American women if Eve Ensler died. In some quarters, it was even as if Gore Vidal had passed away.

Mr. Earnhardt perished toward the end of a stock car race in Daytona, which is several hundred miles north of Key West in the state of Florida. Stock car racing is a sport popular in parts of the country that also have high rates of participation in hunting and Christianity. During a stock car meet, drivers from different teams drive their automobiles, which are like taxis but without the meters, around a large oval track, in the manner of people who are looking for parking spaces. The object of the contest is to finish a certain number of laps in first place, and so win "the checkered flag." The Daytona meet is one of the major events of the year.

Though it appears that he did not attend a graduate school of any kind, Mr. Earnhardt was in fact one of the most skilled practitioners of his craft. His oeuvre includes several Winston Cup championships. (The Winston Cup is an award given out by a tobacco company in order to distract attention from its efforts to murder American children by seducing them into cigarette addiction.)

In a sport colorfully festooned with tribal rituals and whose practitioners are given piquant nicknames, Mr. Earnhardt was known as "The Insinuator." He had attracted a growing legion of supporters, numbering, according to some estimates, in the tens of thousands, in states ranging from Nebraska and Omaha through Alabama—the region of the country captured so well by those exotic Rick Bragg stories. It will surprise many to learn that more people attended stock car races—such as the Daytona 500 and the Indy 500—than attended the Broadway production of "Rent," even back when it was hot—though of course stock car racing generates far less buzz.

Still, even while Mr. Earnhardt was being mourned, many were asking troubling questions about the shortage of gay, lesbian, transgendered and African-American drivers in the stock car racing industry. Contacted Monday morning, filmmaker Ken Burns commented, "I find it tragic that in the year 2001, even after I have made 645 PBS documentaries on race in America, one still finds few drivers of color circling our nation's race tracks."

the weekly Standard
March 5, 2001

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The Environment Wins with Norton

Terry L. Anderson is the Martin and Illie Anderson Senior Fellow at the Hoover Institution and the executive director of the Political Economy Research Center.

Before Gale Norton's confirmation hearing began, the "saynotonorton" web site was buzzing, the *Washington Post* carried a full-page ad sponsored by environmental groups blasting Norton, and Greenpeace protesters hung a banner at the Department of Interior reading "Our Land, Not Oil Land." It looked as though Norton might be in trouble. Despite this blitz, the environmentalists didn't get their blood and Norton sailed through the Senate on a 75-24 affirmative vote.

Why did the environmentalists lose? First, Ms. Norton proved not to be "Watt in a skirt" (referring to President Reagan's secretary of Interior) but rather a charming, reasonable person capable of collaborating with all stakeholders in Interior affairs.

Perhaps more important, she explained how she could be a "compassionate conservative" and a "passionate conservationist." Her practical environmentalism exposed the radical rhetoric of the environmental groups. They say no to exploring for oil in the nineteen-million-acre Arctic National Wildlife Refuge, while Norton points out that exploration would only involve 2,000 acres and then only when the tundra is covered with snow. They urged the Clinton administration to lock up nearly six million acres in national monuments and fifty-eight million acres in roadless areas without any input from state and local governments or citizens, while she wants full involvement of the people directly affected.

Although the environmentalists lost, **the environment will win if the new administration pursues a theme of pragmatic environmentalism.** Here are a few suggestions: allow ranchers to sell their grazing permits to environmental groups on a willing buyer–willing seller basis (the Grand Canyon Trust has tried this on federal lands in southern Utah but has been thwarted by Interior policies); expand the ability for national parks to raise revenues from user fees and to reinvest them where they are collected (Yellowstone is already using fees to generate millions for fixing its decaying infrastructure); reward private landowners for improving endangered species habitat (one environmental group currently compensates ranchers who lose livestock to wolves, another is leasing water to increase stream flows for endangered salmon and steelhead); and establish transferable fishing quotas to give fishers an incentive to reduce overfishing (this approach has proved effective in Alaska's halibut fishery and in New Zealand and Australia).

Writing in the 1930s, Aldo Leopold, the environmentalists' icon, said that "conservation will ultimately boil down to rewarding the private landowner who conserves the public interest." President Bush and Secretary Norton understand the wisdom of this statement.

In a May 1999 meeting with policy analysts including Norton, then-Governor Bush said, "When I leave office, the air and water will be cleaner, and the land will be better cared for. Your job is to tell me how to make that happen." If the Bush administration uses market approaches and devolves some policy to state and local governments, he will be the environmental president.

— *Terry L. Anderson*

Paid for by the Hoover Institution, Stanford University.

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The Informed Traveler

9th *in a series*

Recently, *The New York Times* ran an editorial, part of which covered United's proposed acquisition of US Airways. The paper wrote, *"Consumer groups understandably bristle at the prospect of further consolidation in the airline industry, but these agreements, which were disclosed yesterday, are in the public interest."*

MORE COMPETITION

Later, it went on to say, *"This deal should assuage any lingering concerns about the United-US Airways merger. Indeed, travelers in the Northeast will probably see more competition as a result of these agreements."*

LOWER COSTS

And we were pleased that the paper recognized industry efforts when they wrote, *"Consolidation raises the risk of higher fares for consumers, but the industry's record since deregulation suggests that passengers have often benefited from the lower costs experienced by larger carriers."*

GAINING APPROVAL

Earning *The New York Times'* support for our proposed acquisition is particularly gratifying. Just as gaining approval from the European Union was.

Both join a long list of government, industry and business leaders who understand the benefits the traveling public will gain from our merger and have given it their full endorsement.

We'd like to have your support too.

For more information, visit us at www.united.com.

UNITED

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